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# **The Religious Dimensions of English Cistercian Privileges**

*By Stuart Alexander Morgan*

*UCL*

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## **Abstract**

The thesis focuses upon the 'spiritual' aspects of Cistercian privileges and exemption; meaning those rights which had a direct impact upon the religious life of the community. Initially these privileges sought to facilitate their peace and tranquillity. During the thirteenth century these privileges involved the Cistercians in the religious lives of the laity who came to live on their lands. By the end of the period some English Cistercian houses ran local church courts and gained the right to appoint a member of their community as the local parish priest, ministering directly to the laity living on their lands.

The thesis breaks down into three parts. The first part looks at the collections of papal letters which were either held by English Cistercian houses or to which they had easy access and of which they were aware. This evidence comes together to show that most, if not all, Cistercian houses in England had access to large collections of papal letters and that they were familiar with their rights as part of the wider Cistercian Order. The second part of the thesis examines the detail of those papal letter collections, focussing upon their 'spiritual' aspects. Other sources are used to flesh out the detail provided by the papal letters and to seek to show whether those letters were effective on the ground. Finally the third part of the thesis gives a detailed case study of Cistercian involvement in the lives of the laity. It looks at the church court which was administered by the Cistercian monks of Whalley in Lancashire.

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## Introduction

‘It is prescribed to them that they are to dwell in desert places, and desert places they do assuredly either find or make; so that to whatever region you invite them they follow the hum of men and soon reduce it by main force to a solitude, and

Though not rightly, yet somehow make gain.

How gratefully do they enter upon lands that are given them by someone who is not the true owner, in defiance of any and every protest of orphans, widows, or men of religion, caring not so much how they get them as how they may keep them. And because their rule does not allow them to govern parishioners, they proceed to raze villages, they overthrow churches, and turn out parishioners, not scrupling to cast down the altars and level everything before the ploughshare, so that if you looked on a place that you knew previously you could say,

And grass now grows where Troy town stood.

As I say, they make a solitude that they may be solitaires; and not being allowed to have parishioners of their own, they take leave to disperse those of others: the Rule says they must not keep them, therefore it bids them destroy them.’<sup>1</sup>

With these words Walter Map criticised the Cistercians for clearing land and depopulating areas to provide the solitude they craved. While Map’s opposition is plain there is some truth to his comments. The monks of Kirkstall pulled down the church of Barnoldswick. The community at Meaux was responsible for the destruction of a chapel

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<sup>1</sup> Walter Map *De Nugis Curialium*, *Courtiers’ Trifles*, trans. M. R. James and ed. revised C. N. L. Brooke and R. A. B. Mynors (Oxford: Clarendon Press, 1983), 93

at Myton. Donkin cites four other specific instances outside of Yorkshire where churches or chapels were razed to the ground.<sup>2</sup>

In many ways this thesis is an extended comment upon Map's statement that the Cistercians expelled people and levelled churches. The thesis focuses upon the 'spiritual' aspects of Cistercian privileges and exemption, meaning those rights which had a direct impact upon the religious life of the community. Initially these privileges sought to facilitate their peace and tranquillity. This was often cited in the arengae of those letters as a reason the privilege was granted. The same desire was demonstrated by the depopulation of some of the lands that Cistercian houses acquired. During the thirteenth century these privileges involved the Cistercians in the religious lives of the laity who came to live on their lands. Early prohibitions against this were first ignored and then discarded. By the end of the period we will see some English Cistercian houses running local church courts and gaining the right to appoint a member of their community as the local parish priest, ministering directly to the laity living on their lands.

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<sup>2</sup> R. A. Donkin, "Settlement and Depopulation of Cistercian Estates during the Twelfth and Thirteenth Centuries especially in Yorkshire," *Bulletin of the Institute of Historical Research*, 33 (1960), 153n8. For other material on the Cistercians depopulating areas (and not just destroying church buildings) see R. A. Donkin, *The Cistercians* (Toronto: University of Toronto Press, 1978), 41; L. J. Lekai, *The Cistercians: Ideas and Reality* (Kent, Ohio: Kent State University Press, 1977), 299-300; J. Burton, *Monastic and Religious Orders in Britain, 1000-1300* (Cambridge: Cambridge University Press, 2002), 132n4; and P. Fergusson, *Architecture of solitude: Cistercian abbeys in twelfth-century England* (Princeton, New Jersey: Princeton University Press, 1984), 9

## The wider context

The thesis cannot escape the context of the major debates about the history of the Cistercians: discussions about ideals and reality, the differences between the centre and locality, and the evolution of the Order. Constance Berman's "The Cistercian Evolution" has caused a considerable stir since its publication in 2000.<sup>3</sup> Among her most controversial claims are her attacks on the traditional dating of the institutions for which the Cistercians are noted. She argues that the system of visitations and annual general chapters, as well as the primitive documents of the Order, date from much later than had been traditionally held. She attacks the authenticity of a number of early papal letters, saying they have either been interpolated or forged. These conclusions have been subjected to widespread criticism.<sup>4</sup> For example visitations have been shown to have taken place earlier than her chronology allows.<sup>5</sup> The most extensive critique of these aspects of her thesis comes from Chrysogonus Waddell in a very convincing eighty-seven page article.<sup>6</sup> As a result of this evidence it seems hard to deny the genuineness of the papal privileges which Berman brings into question.

Despite many problems with the detail of her thesis historians both before and since have been convinced that the structures of Cistercian governance evolved. In an article seeking

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<sup>3</sup> C. H. Berman, *The Cistercian Evolution* (Philadelphia: University of Pennsylvania Press, 2000)

<sup>4</sup> McGuire and Freeman have both written articles in response to the book. E. Freeman, "What makes a Monastic Order? Issues of Methodology in *The Cistercian Evolution*," *Cistercian Studies*, 37 (2002), 429-442 and B. McGuire, "Charity and Unanimity: The Invention of the Cistercian Order, A Review Article," *Cîteaux*, 51 (2000), 285-297.

<sup>5</sup> J. R. Sommerfeldt, "Review: *The Cistercian Evolution*" *Church History*, 70 (2001), 787 and J. Burton, "The Monastic World," in *England and Europe in the Reign of Henry III (1216-1272)*, ed. B. K. Weiler and I. W. Rowlands (Aldershot: Ashgate, 2002), 133-4n32.

<sup>6</sup> C. Waddell, "The Myth of Cistercian Origins: C. H. Berman and the Manuscript Sources," *Cîteaux*, 51 (2000)

to summarise an earlier debate over the primitive documents of the Cistercians David Knowles wrote, 'we begin to perceive a very interesting and hitherto unsuspected evolution in the Cistercian organization.'<sup>7</sup> Waddell ends his review article saying, 'evolution there certainly was.'<sup>8</sup> This evolution formed a significant part of the backdrop to the development in Cistercian privileges.

Berman's book does make good points about the lack of uniformity within the Order, for example its architectural diversity. This fits within a historiographical discussion over ideals and reality and the divergence between the centre and various diverse local practices.<sup>9</sup> Bouchard has shown that 'forbidden' types of gifts, like mills, rents, and serfs, were accepted early on in the history of the Cistercian Order and that no-one attempted to cover this up.<sup>10</sup> A number of local studies have demonstrated the presence of variation. Jamroziak's work on Rievaulx led her to see the 'development of individual monasteries and the Cistercian Order itself in the light of the pragmatic changes and evolution occurring in the course of the twelfth and thirteenth centuries,' and argues that the history of Rievaulx is different from that of Fountains.<sup>11</sup> Zehetmayer's work on the monastic court of Zwettl stresses the importance of the local authorities in the development of the

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<sup>7</sup> D. Knowles, "The Primitive Cistercian Documents," in D. Knowles, Great Historical Enterprises and Problems in Monastic History (London: Thomas Nelson and Sons, 1963), 213

<sup>8</sup> Waddell, "Myth", 360. See also Sommerfeldt's emphasis on the centrality of the evolution of the order. Sommerfeldt, "Review: CE", 787 and Jamroziak talking about evolution. E. Jamroziak, Rievaulx Abbey and its social context, 1132-1300: Memory, locality and networks (Turnout: Brepols, 2005), 9

<sup>9</sup> For two volumes on this theme see Cistercian Ideas and Reality, ed. J. R. Sommerfeldt (Kalamazoo, Michigan: Cistercian Publications, 1978) and Die Zisterzienser: Ordensleben zwischen Ideal und Wirklichkeit, ed. K. Elm (Koeln: Rheinland-Verlag, 1980)

<sup>10</sup> C. B. Bouchard, "Cistercian Ideals versus Reality: 1134 Reconsidered," Cîteaux Commentarii Cistercienses, 39 (1988)

<sup>11</sup> Jamroziak, Rievaulx Abbey, 9. See also Jamroziak, Rievaulx Abbey, 13-4

secular court he investigated.<sup>12</sup> In a similar vein but for the later centuries of the Middle Ages Schimmelpfennig argues that central reform, either from the Papacy or the general chapter did not get very far in the fourteenth and fifteenth centuries. Movements for change and reform arose from the locality.<sup>13</sup> Goetz discusses the tension between the centralisation of the Order and local variation. She notes that not all the privileges that individual Cistercian houses acquired were in line with the principles and regulations of the Order.<sup>14</sup> Efforts were made to remind houses to retain the Cistercian way of life and not to obtain privileges which contradicted the rules of the Order.<sup>15</sup> Nevertheless the success of these efforts was modest and efforts to enforce these regulations proved difficult.<sup>16</sup> Through an investigation of the English collections of papal privileges this study attempts to consider the significance of variation from the centre to the locality, from the general to the specific.

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<sup>12</sup> R. Zehetmayer, Kloster und Gericht: die Entwicklung der klösterlichen Gerichtsrechte und Gerichtsbarkeit im 13. Jahrhundert unter besonderer Berücksichtigung der Zisterze Zwettl (Wien: Oldenbourg, Mitteilungen des Instituts für Österreichische Geschichtsforschung, Ergänzungsband, 40, 2001)

<sup>13</sup> B. Schimmelpfennig, "Das Papsttum und die Reform des Zisterzienser-ordens im späten Mittelalter," in Reformbemühungen und Observanzbestrebungen im spätmittelalterlichen Ordenswesen, ed. K. Elm (Berlin: Duncker und Humblot, 1989), 409-10

<sup>14</sup> E. Goetz, Pragmatische Schriftlichkeit und Archivpflege der Zisterzienser: Ordenszentralismus und regionale Vielfalt, namentlich in Franken und Altbayern (1098-1525) (London: Lit Verlag, 2003), 130

<sup>15</sup> Goetz, Pragmatische Schriftlichkeit, 130-1

<sup>16</sup> Goetz, Pragmatische Schriftlichkeit, 131 (for the wider context 131-4)

## Privileges and Exemption: The state of research

Before Cistercian privileges can be discussed the state of research into privileges and exemption generally should be set out. The correct use of terms has been heavily debated. This is evident when one looks at the history of the use of the word exemption. The use of the word 'eximere' was rare in the twelfth century. Schreiber cites seven cases where the word, or its derivatives, was used in papal letters to monasteries before 1170.<sup>17</sup> When St Bernard, in his 'De Consideratione', sharply attacked the excessive independence of certain monasteries, he never used the word 'exemption.' It cannot be found in the glossary tables of the great collections of narrative texts on diplomatic.<sup>18</sup> Otto Lerche viewed the distinction between protection and exemption as quantitative rather than essential, while Willy Szaivert distinguished protection from exemption more sharply.<sup>19</sup> Schreiber demonstrated that apostolic protection and exemption are two totally separate things.<sup>20</sup> Papal privileges were sought throughout the Middle Ages but their implications varied over time and in relation to the different orders. In the middle of the thirteenth century the writer of a formulary gave this definition of exemption: 'That is properly "exemption" (he said) where a conventual church of secular or regular canons, or of monks or nuns, is immediately subject to the Lord Pope, so that although it be situated in the province of an archbishop and the diocese of a bishop, neither metropolitan nor diocesan has right in it, but all things appertain to the pope, to whom such a church

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<sup>17</sup> G. Schreiber, *Kurie und Kloster im 12. Jahrhundert*, vol. 1 (Stuttgart: Ferdinand Enke, 1910), 28n1

<sup>18</sup> J-B. Mahn, *L'Ordre Cistercien et son Gouvernement: Des Origines au Milieu du XIII<sup>e</sup> Siècle (1098-1265)* (Paris: Boccard, 1982), 119-20

<sup>19</sup> G. Constable, *Monastic Tithes: From their Origins to the Twelfth Century* (Cambridge: Cambridge University Press, 1964), 199n2

<sup>20</sup> Schreiber, *Kurie und Kloster*, vol. 1, 27. The same distinction is maintained by Santifaller. L. Santifaller, "Papsturkunden für Domkapitel bis auf Alexander III," in *Festschrift Albert Brackmann dargebracht von Freunden, Kollegen und Schülern*, ed. L. Santifaller (Weimar: Boehlaus, 1931), 119



appeals without intermediary.<sup>21</sup> Exemption developed to mean the total independence from diocesan control, with the monastery only under papal jurisdiction;<sup>22</sup> this had not always been the case. Exemption was an embryonic concept in the twelfth century. 'Exemption, immunity and simple protection in fact often overlapped and were concerned with a wide range of rights and privileges.'<sup>23</sup> Monasteries did not pursue a continuous policy over the centuries. Rather their concerns and desires changed over time.<sup>24</sup> It is in this context that it seems more sensible to talk about the history of papal privileges, an aspect of which grew into exemption, rather than the history of exemption in isolation.

Many historians have stressed the importance of local, territorial and political considerations for understanding the nature and development of papal privileges.<sup>25</sup> Neithard Bulst highlighted the founder of Cluny's role in obtaining its privileges, as opposed to the house's own efforts. He pointed out that Duke William of Dijon did not

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<sup>21</sup> Cited by C. R. Cheney, Episcopal Visitation of Monasteries in the Thirteenth Century (Manchester: Manchester University Press, 1983), 37

<sup>22</sup> J-L. Lemaître, "Exemption" Dictionnaire historique de la papauté, ed. P. Levillain (Paris: Fayard, 1994), 659. It was not only monasteries who could become exempt from jurisdiction. Bishops or dioceses could be released from the jurisdiction of a metropolitan. O. Vehse, "Bistumsexemtionen bis zum Ausgang des 12. Jahrhunderts," Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung, 26 (1937). Churches and hospitals could also be exempt from episcopal authority. V. Pfaff, "Die päpstlichen Klosterexemption in Italien bis zum Ende des zwölften Jahrhunderts," Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung, 72 (1986), 78

<sup>23</sup> Constable, Monastic Tithes, 199

<sup>24</sup> Knowles saw four distinct periods for English Benedictine houses characterised by different desires and privileges. Before 1066 the aim was to secure internal peace and protect the economy of monastery. From 1066-c1120 the monks tried to avoid absorption or domination by the bishops, or the presence of bishops due to cost or interference. From 1130-1170 the struggle was over what might seem to a modern observer to be incidentals, holy oil, ordinations and attendance at synods. Between 1170-1216 the focus was on the significant question of Episcopal authority, as well as the continuation of minor claims, in response to the bishop beginning to assert their rights to visit and to impose financial and disciplinary regulations. D. Knowles, "The Growth of Exemption" Downside Review, 424-5.

<sup>25</sup> For a summary of national studies of exemption see L. Falkenstein, La Papauté et les abbayes Françaises aux XI<sup>e</sup> et XII<sup>e</sup> siècles (Paris: Champion, 1997), 3-4. This position was a reaction against the view that monasteries allied themselves to the Papacy against the episcopacy and lay rulers. Examples of the latter view are Vehse, "Bistumsexemtionen," 89, also Santifaller, "Papsturkunden," 88-9

pursue a uniform policy for all the monasteries he patronised. The local situation was crucial.<sup>26</sup> Paul Freedman's article on Sant Pau del Camp (Barcelona) shows the importance of noble patronage for the acquisition of exempt status.<sup>27</sup> Dom David Knowles published on the subject on monastic exemption in England.<sup>28</sup> He only covered Benedictine exemption and focussed on twelve houses, including Battle and Bury St. Edmunds, seven of which became fully exempt according to Knowles. He demonstrated the importance of royal charters, often stretching far back into the past, as the fundamental factor in the expansion of monastic exemption. His concern was to downplay the significance of the Papacy and the sense that the Papacy was a driving force in the advancement and development of monastic exemption. 'Too many modern students of medieval English institutions have failed to appreciate this, and relying on a few *ex parte* statements thrown out in the heat of controversy, have treated the whole question of exemption as if it were a sudden attempt to repel authority, whereas it was in fact the last and most articulate stage in that evolution of privileged rights and jurisdictions, civil and ecclesiastical, which had gone on for centuries in north-western

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<sup>26</sup> N. Bulst, Untersuchungen zu den Klosterreformen Wilhelms von Dijon (962-1031) (Bonn: Roehrscheid, 1973), 268-9

<sup>27</sup> P. Freedman, "A Privilege of Pope Alexander III for Sant Pau del Camp (Barcelona)," in Archivum Historiae Pontificiae, 31 (1993), 255-61. The same theme is present in another article by the same author. P. Freedman, "Jurisdictional Disputes over Sant Pere d'Àger (Catalonia) in Light of New Papal Documents," in Proceedings of the Ninth International Congress of Medieval Canon Law. Munich 1992, ed. P. Landau and J. Müller (Vatican City: Biblioteca Apostolica Vaticana, 1997), 731. Another example, this time for France is J. F. Lemarignier, Étude sur les privilèges d'exemption et de juridiction ecclésiastique des abbayes normandes depuis les origines jusqu'en 1140 (Paris: Archives de la France monastique, 44, 1937).

<sup>28</sup> Knowles only wrote on exemption up to 1216. D. Knowles, "The Growth of Exemption," Downside Review, 50 (1932) and D. Knowles, The Monastic Order in England (Cambridge: Cambridge University Press, 1950)

Europe.<sup>29</sup> It was only as time progressed that the role of the Papacy became more and more central in advancing privileges.<sup>30</sup>

What did these privileges and exemptions entail? Exemption, according to Knowles, might entail a number of different rights; one could have only one of these rights, several or even all of them.

- 1) Any bishop (on invitation) could perform ordinations and consecrations.
- 2) Bishops could not claim hospitality for themselves or the right to celebrate a solemn Mass at the monastery.
- 3) The abbot could not be summoned to attend or obey a diocesan synod.
- 4) Exemption from the bishop blessing the newly elected abbot in his cathedral. This varied, a) No oath was required at all.
  - b) The blessing could be received in the abbey church
  - c) The abbot could choose from which prelate he received the blessing.
  - d) The abbot could receive the blessing directly from the pope.
- 5) The abbot and monastery could be exempted from excommunication or interdict by the bishop.
- 6) The abbot could wear some or all of the pontificalia on ceremonial occasions. (The pontificalia were particular articles of clothing.)
- 7) The bishop could not visit or correct the monastery. This does not appear before c.1170.<sup>31</sup>

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<sup>29</sup> Knowles, *Monastic Order*, 575

<sup>30</sup> V. Pfaff, "Sankt Peters Abteien im 12. Jahrhundert," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung*, 57 (1971), 152-3. cf also Pfaff, "Die päpstlichen Klosterexemption," 91-2

Knowles states that all of these privileges, with the exception of numbers 4 and 7 were possessed on occasion by non-exempt Western monasteries.<sup>32</sup> Schreiber argued that the key component of exemption was freedom from the power of correction,<sup>33</sup> while Pfaff gives primary significance to the right of abbatial blessing.<sup>34</sup>

Until the pontificate of Alexander III there was no 'clearly defined concept at Rome as to what sum of rights exemption gave, or by what it was conferred.'<sup>35</sup> There was, according to Knowles, no register of exempt houses. Then Alexander III gave a decretal.<sup>36</sup> In summary it stated:

- 1) Profession of canonical obedience is a sign of non-exemption.
- 2) If the church pays an annual tribute to Rome it is not exempt if this is 'ad indicium protectionis' and is exempt if it is 'ad indicium libertatis'.<sup>37</sup>
- 3) Any claim must be tested against the document that allegedly supports exemption.
- 4) The use of the following phrase from Alexander is the 'touchstone of exemption' 'qui, nullo mediante, ad jurisdictionem beati Petri... pertinet'.<sup>38</sup>

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<sup>31</sup> Compare Santifaller's list of the sorts of privileges granted by the Papacy. Santifaller, "Papsturkunden," 86-8. See Pfaff, "Sankt Peters Abteien," 154-5. On the many elements of exemption see Pfaff, "Die päpstlichen Klosterexemption," 92

<sup>32</sup> Knowles, "Exemption," 206. For the range of Episcopal authority which was present see Falkenstein, *La Papauté*, 5

<sup>33</sup> Schreiber, *Kurie und Kloster*, vol. 1, 29

<sup>34</sup> Pfaff, "Sankt Peters Abteien," 172

<sup>35</sup> Knowles, "Exemption," 207

<sup>36</sup> Knowles, "Exemption," 207-8

<sup>37</sup> See also P. Rabikauskas, *Diplomatica Pontificia* (Roma: Pontificia Università Gregoriana, 1998), 49

<sup>38</sup> Knowles, "Exemption," 208. *Corpus Iuris Canonici*, ed. E. Friedberg, vol. 2 (Leipzig: Tauchnitz, 1881), 851. *Regesta pontificum Romanorum*, ed. P. Jaffé, vol. 2 (Leipzig: Viet, 1888), no. 14037.

## Cistercian Privileges and Exemption

All historians are agreed that the development of Cistercian privileges was totally different from that of the older Benedictines.<sup>39</sup> There are two major works which deal with Cistercian privileges and exemption: Mahn's "L'Ordre Cistercien et son Gouvernement"<sup>40</sup> and Pfurtscheller "Die Privilegierung des Zisterzienserordens im Rahmen der allgemeinen Schutz- und Exemptionsgeschichte vom Anfang bis zur Bulle "Parvus Fons" (1265)."<sup>41</sup> All other works deal with the subject comparatively briefly.<sup>42</sup> Previous research has focussed upon two main areas: tithe privileges and exemption from the authority of the bishop.

The tithe exemption dates from 1132.<sup>43</sup> It was originally given to help poor monasteries maintain financial self sufficiency<sup>44</sup> and particularly to the Cistercians as they tried to set

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<sup>39</sup> Schreiber, Kurie und Kloster, vol. 1, 83. F. Pfurtscheller, Die Privilegierung des Zisterzienserordens im Rahmen der allgemeinen Schutz- und Exemptionsgeschichte vom Anfang bis zur Bulle "Parvus Fons" (1265) (Bern: Herbert Lang, 1972), 145. A good example of this is that the term, which Knowles saw as crucial, *nullo mediante*, is never used in a privilege to either the Cistercian Order or a Cistercian house. Pfurtscheller, Die Privilegierung, 61-2. The phrase definitely never appears in a letter to an English house.

<sup>40</sup> Mahn, L'Ordre Cistercien

<sup>41</sup> Pfurtscheller, Die Privilegierung

<sup>42</sup> Falkenstein gives a brief and useful summary for the twelfth century. Falkenstein, La Papauté, 204-215. Knowles only gives a couple of passing references to Cistercians in this area, claiming they arrived in England fully exempt. Knowles, "Exemption," 427. Schreiber did not have a great deal to say on Cistercian exemption in particular. Schreiber, Kurie und Kloster, vol. 1, 83-91. He also wrote an article focusing upon 1184. G. Schreiber, "Studien zur Exemptionsgeschichte der Zisterzienser Zugleich ein Beitrag zur Veroneser Synode vom Jahre 1184," in G. Schreiber, Gemeinschaften des Mittelalters (Münster: Regensburg, 1948).

<sup>43</sup> Constance Berman questioned whether the whole order was granted exemption from the payment of tithes by Innocent II in 1132. She claimed that the letter which Cîteaux possessed to this effect was a forgery, while that belonging to Clairvaux, related only to those abbeys connected to that house. Berman, Cistercian Evolution, 238. First it should be stated that having an individual grant was much more effective than simply relying on a general privilege. Constable, Monastic Tithes, 242. Second, all the privileges to English Cistercian houses which date pre-1145 contain the clause. It would seem difficult to argue that there had not been a uniform policy of giving Cistercian houses this tithe privilege.

<sup>44</sup> This would explain why the larger and more financially powerful monastic houses, such as Bury St. Edmunds, never had tithe privileges.

up monasteries in remote and undeveloped areas.<sup>45</sup> As the Cistercian Order grew and the territories of their houses increased they came into possession of lands which had previously been occupied or whose tithes were owned. This meant the rights of others were increasingly infringed. Countless disputes followed. Adrian IV listened to these cries and modified the Cistercian tithe privilege. At the start of his pontificate he changed the Cistercian privilege from “sane laborum” to “sane novalium”. This limited the tithe privilege to newly cultivated lands and made the monks to pay tithes from any lands from which tithes had previously been paid.<sup>46</sup> Alexander III reversed Adrian’s decision exempting Cistercians from paying tithes on lands they worked.<sup>47</sup> While Cistercians had the right to full freedom, they were expected to consider the interests of the owners of tithes and to negotiate and compromise.<sup>48</sup> In 1180 the Cistercian general chapter, realising that their tithe rights were the subject of much opposition, ordered that any land gained from that point on must pay tithes.<sup>49</sup> Innocent III, at the Fourth Lateran Council ordered that Cistercians had to pay tithes from all newly acquired lands ‘from which tithes had previously been paid’.<sup>50</sup> Popes from Honorius III onwards confirmed Innocent’s decision on the matter.<sup>51</sup>

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<sup>45</sup> If the lands had been previously uncultivated then no previous tithe would have existed and no-one would have lost financially.

<sup>46</sup> Constable, *Monastic Tithes*, 279

<sup>47</sup> Constable, *Monastic Tithes*, 296-7. Towards other orders and during the early years of Alexander III’s reign he seems to have been less indulgent and to even have enforced Adrian’s restrictions. Constable, *Monastic Tithes*, 298

<sup>48</sup> Constable, *Monastic Tithes*, 304

<sup>49</sup> Constable, *Monastic Tithes*, 303-4

<sup>50</sup> Constable, *Monastic Tithes*, 306

<sup>51</sup> Pfurtscheller, *Die Privilegierung*, 30. A great deal of ink has been spilled on the subject of Cistercian tithe privileges. It falls outside the scope of this thesis. The interested reader should refer to Constable, *Monastic Tithes*; Schreiber, *Kurie und Kloster*, vol. 1, 246-294; Mahn, *L’Ordre Cistercien*, 102-118 ; C. R. Cheney, “A Letter of Pope Innocent III and the Lateran Decree on Cistercian Tithe-paying,” in C. R. Cheney, *Medieval Texts and Studies* (Oxford: Clarendon Press, 1973); Pfurtscheller, *Die Privilegierung*, 24-32 (one of the major criticisms levelled at this work is that it does not refer to Constable’s “ monastic tithes.” Falkenstein, *La Papauté*, 205n73).

Cîteaux was not initially exempt from Episcopal jurisdiction. It came under Papal protection with a letter from Pope Paschal II dated April 18, 1100, addressed to Abbot Alberic. The letter did not remove Cîteaux from Episcopal jurisdiction: it merely 'secured the peaceful and quiet development of the community.'<sup>52</sup> The Cistercians were not initially in favour of exemption. Bernard of Clairvaux spoke in harmony with the Order when he wrote strongly against the kinds of privileges which were held by Cluny and many major Benedictine houses. He opposed monastic encroachment on Episcopal rights through papal privileges and wanted the hierarchy of the church to be maintained. In the 'De Consideratione', composed for Eugenius III, Bernard said:

'Abbots are freed from the jurisdiction of bishops, bishops from that of archbishops, archbishops from that of patriarchs or primates. Does this seem good? I wonder whether this practice can ever be excused. In doing this you demonstrate that you have the fullness of power, but perhaps not of justice. You do this because you have the power; but the question is whether you ought to do it. You have been appointed, not to deny, but to preserve the degrees of honour and the dignities and the ranks proper to each, as one of your predecessors (the apostle Paul) says, "Render honour to whom honour is due."'<sup>53</sup>

Bernard saw exemption as a mechanism which freed a monastery to be licentious, saying:

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<sup>52</sup> L. J. Lekai, *The White Monks* (Okauchee, Wisconsin: Our Lady of Spring Bank, 1953), 19

<sup>53</sup> *Five Books on Consideration: Advice to a Pope*, trans. and ed. J.D. Anderson & E.T. Kennan (Kalamazoo, Michigan: Cistercian Publications, 1976), 97-8

‘Why should a wandering and wrongly liberated throng not sin more freely, since there is no one to censure it?’<sup>54</sup> and also ‘The same one (the apostle Paul again) also says, “Let everyone be subjected to higher powers.” He does not say to “higher power” as if in one person, but to “higher powers” as if in many. Therefore yours is not the only power from God; there are intermediaries and lesser ones.’<sup>55</sup>

Historians of Cistercian exemption are agreed that one of the most significant steps taken regarding Cistercians’ relation to Episcopal jurisdiction was the confirmation of the *Carta Caritatis* in 1152 by Eugenius III.<sup>56</sup> Falkenstein states that this set up a ‘para-hierarchy’ in the Order and practically excluded the bishops from dealing with the internal discipline of Cistercian houses.<sup>57</sup> This ‘para-hierarchy’ is evident under Alexander III who told the archbishop of Sens not to exercise disciplinary authority over the Cistercians in his diocese, leaving that to the father abbots and the general chapter.<sup>58</sup> It is crucial to realise

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<sup>54</sup> *Five Books on Consideration*, trans. and ed. Anderson & Kennan, 99-100

<sup>55</sup> *Five Books on Consideration*, trans. and ed. Anderson & Kennan, 101. Bernard also spoke of the importance of the bishop disciplining his flock. *Five Books on Consideration*, trans. and ed. Anderson & Kennan, 104-5

<sup>56</sup> *Patrologiae Latinae*, ed. J-P. Migne, vol. 180 (Paris: Migne, 1902), no. 71. I do not wish to enter into the debate over which version of the *Carta Caritatis* it was that was confirmed then. J. E. Sayers, “The Judicial Activities of the General Chapters: 1,” *Journal of Ecclesiastical History*, 15 (1964), 19, 21. Constance Berman has entered into the debate moving the date of composition into the 1160s. In my thesis I will follow Waddell and his conclusion on the dating of the primitive documents of the Cistercian Order. He agrees with Turk and Sayers that the *Carta Caritatis Posterior* was confirmed by Eugenius III in 1152. *Narrative and legislative texts from early Cîteaux*, ed. C. Waddell (Nuits-Saint-Georges: Cîteaux, 1999), 13

<sup>57</sup> Falkenstein, *La Papauté*, 211. See also Mahn, *L’Ordre Cistercien*, 133 and Pfurtscheller, *Die Privilegierung*, 87. Lemarignier draws the same link between exemption and the development of centralised structures and organisation. However he moves too quickly to see ‘danger’ and a move for exemption. J. F. Lemarignier, “L’exemption monastique et les origines de la réforme Grégorienne,” in *A Cluny. Congrès scientifique*, ed. C. Oursel (Dijon, 1960), 322. He goes on to say that at Cluny it was the other way round. Exemption led to centralising tendencies. Schreiber cites two major factors : first the organisation of the order and second church politics and the schism. Schreiber, *Kurie und Kloster*, vol. 1, 83-4

<sup>58</sup> Falkenstein, *La Papauté*, 212-3



that this was not intended as an assault upon the authority of the episcopate. Episcopal visitation was not common at this point.<sup>59</sup>

Aspects of Episcopal authority were chipped away in a piecemeal fashion throughout the twelfth century. Innocent II exempted Clairvaux and Cîteaux from attending diocesan synod in 1132 and the right was exercised by other Cistercian houses.<sup>60</sup> The reduction of Episcopal authority was inversely proportional to the increase in the functions of the general chapter. Alexander III granted full recognition to Cistercian abbots even if the local bishop refused them their benediction. He prevented bishops using excommunication against Cistercian abbeys as a form of coercion and dropped the clause 'saving the authority of the bishop' from letters to the houses of the Order.<sup>61</sup> Under Lucius III the Cistercians were completely freed from Episcopal excommunication.<sup>62</sup> Nonetheless the authority of the bishop was not totally removed. New abbots were still consecrated by the local bishop, to whom the abbot had to take an oath of obedience.<sup>63</sup>

As well as gaining rights concerning the authority of the bishop the Cistercians gained other privileges touching their religious practice and lives. Mahn and Pfurtscheller focussed much less attention on these clauses and privileges. Eugenius III permitted the

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<sup>59</sup> Cheney, *Visitation*, ix and Knowles, "Exemption," 425. Therefore this is not, as Mahn suggests, a case of St. Bernard being ignored and the episcopacy being replaced. Mahn, *L'Ordre Cistercien*, 135. Instead it is in line with Bernard's desire for order and not licentiousness.

<sup>60</sup> Mahn, *L'Ordre Cistercien*, 136-7. Mahn, *L'Ordre Cistercien*, 99. Pfurtscheller, *Die Privilegierung*, 98-100

<sup>61</sup> Mahn, *L'Ordre Cistercien*, 137-8. For the clause about the bishop's authority see Pfurtscheller, *Die Privilegierung*, 63

<sup>62</sup> Mahn, *L'Ordre Cistercien*, 138. Pfurtscheller, *Die Privilegierung*, 103-117. Honorius III extended this to include legates as well. Pfurtscheller, *Die Privilegierung*, 118

<sup>63</sup> Pfurtscheller, *Die Privilegierung*, 64-5 and Pfurtscheller, *Die Privilegierung*, 124

continuation of divine services when the local territories were under interdict.<sup>64</sup> Under Alexander III abbots gained rights to excommunicate and absolve their monks.<sup>65</sup> Gregory IX and Innocent IV extended these rights to priors and superiors when the abbot was absent.<sup>66</sup> Innocent IV removed the bishops' right to examine Cistercian monks who had been put forward for ordination by their abbots.<sup>67</sup> In the thirteenth century the Cistercians gained privileges allowing them a pastoral role over those on their lands.<sup>68</sup> Gregory IX gave individual monasteries permission to administer the sacraments to them, but it was made clear that this grant should not infringe the rights of others.<sup>69</sup> Under Innocent IV the protection from excommunication was extended to those who lived and worked on the lands of the Cistercians.<sup>70</sup> Then Alexander IV practically exempted those lay people from the jurisdiction of the local ordinary. He permitted them to celebrate religious services in Cistercian churches and chapels, to receive the sacraments there and assigned the monastery jurisdiction over their religious offences.<sup>71</sup>

Falkenstein and Pfurtscheller both state that there is room for work upon the privileges to Cistercian houses.<sup>72</sup> This thesis will concentrate upon the letters which had an impact upon the religious lives of monastic communities. The method is to analyse the papal letters collections which were held by English houses, both to the Order generally and to individual houses, which Pfurtscheller did not consider. This will allow a focus on the

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<sup>64</sup> Mahn, *L'Ordre Cistercien*, 93-7

<sup>65</sup> Mahn, *L'Ordre Cistercien*, 81-3

<sup>66</sup> Pfurtscheller, *Die Privilegierung*, 130

<sup>67</sup> Mahn, *L'Ordre Cistercien*, 92-3

<sup>68</sup> These rights were not discussed by Mahn.

<sup>69</sup> Pfurtscheller, *Die Privilegierung*, 134

<sup>70</sup> Pfurtscheller, *Die Privilegierung*, 134

<sup>71</sup> Pfurtscheller, *Die Privilegierung*, 142

<sup>72</sup> Falkenstein, *La Papauté*, 205n75. Pfurtscheller, *Die Privilegierung*, v-vi

possibility of variation at a local level. The work will seek to put flesh on the bones of the papal privileges to show the impact the letters had on the ground.

## Excursus on Diplomatic

The foundations of this thesis are the collections of papal privileges which have survived from the archives of English Cistercian houses. I shall refer to papal privileges and letters without drawing a distinction between them. There are three key reasons for this. First the terminology changed over time. Second, one of the ways that distinctions are made is through the presence or lack thereof of certain distinguishing marks. Relatively few originals survived in England (for reasons to be explored later) so my work relies upon the cartulary copies, which often do not include these marks. Finally, the cartularies which contain the collections of papal letters invariably refer to them as privilegia. The compilers placed the documents together without obvious distinction.

Nevertheless it is important to be aware of the typology. Falkenstein distinguishes between solemn privileges, letters and little privileges.<sup>73</sup> There are nine distinguishing marks for a solemn privilege.

- 1) The first line is tall.
- 2) The protocol ends with 'in perpetuum.'
- 3) Sentences start with a capital.
- 4) Privileges end 'Amen, Amen, Amen' or sometimes just 'Amen.'
- 5) The privilege includes the Rota (always on the left).
- 6) The Benevaleté monogram.
- 7) The subscription of the pope (ego ... subscripsi)

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<sup>73</sup> Falkenstein, La Papauté, 12

8) Subscriptions of the cardinals.

9) The great date.<sup>74</sup>

Solemn privileges needed to be re-issued on a change of pontiff to remain in force.<sup>75</sup>

Letters were the most common form of document produced by the Papacy.<sup>76</sup> They were originally used for administration and to record judicial decisions. At the beginning of the twelfth century their use expanded to the award of continuing rights.<sup>77</sup> There were two kinds of papal letters: *littera cum serico* (bull attached with silk thread) and *littera cum filo canapis* (bull attached with string).<sup>78</sup> *Litterae cum serico* have the character of privileges. They often confirmed rights which had been granted in solemn privileges. If someone only applied for the confirmation of one title, or one possession or a small number of possessions or one right it was considered unnecessary to produce a solemn privilege. Instead a less expensive *littera cum serico* was produced,<sup>79</sup> whose address always concluded with the greeting, 'salutem et apostolicam benedictionem'. They normally include a *sanctio* (*statuentes ut nulli omnino*) and a 'clause comminatoire' (*si quis autem*) like solemn privileges. Unlike the solemn privilege they only have a short expression of date.<sup>80</sup>

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<sup>74</sup> Falkenstein, *La Papauté*, 13-4

<sup>75</sup> Original Papal Documents in England and Wales from the Accession of Innocent III to the Death of Pope Benedict XI (1198-1304), ed. J. E. Sayers (Oxford: Oxford University Press, 1999), lxiv

<sup>76</sup> T. Frenz, *Papsturkunden des Mittelalters und der Neuzeit* (Stuttgart: Steiner Verlag Wiesbaden, 1986), 24

<sup>77</sup> L. Schmitz-Kallenberg, "Papsturkunden," in *Grundriß der Geschichtswissenschaft*, ed. A. Meister (Leipzig-Berlin: Teubner, 1913), 211

<sup>78</sup> Sayers refers to these as letters of grace and letters of justice respectively. *OPD*, ed. Sayers, lxvi-vii

<sup>79</sup> Falkenstein, *La Papauté*, 15. See also Schmitz-Kallenberg, "Papsturkunden," 216

<sup>80</sup> Falkenstein, *La Papauté*, 16

The litterae cum filo canapis were very simple and were generally used to give orders or instructions.<sup>81</sup> For example they were used to instruct judges delegate.<sup>82</sup> They correspond roughly to the English writ.

The 'little privilege' was very similar to a littera cum serico and was given for the same sorts of reasons.<sup>83</sup> They came into use during the twelfth century. They were smaller and easier to transport safely than solemn privileges. They were dispatched like a letter but often had three or four of the marks of a solemn privilege. They would have the great date, often the subscription of the pope or cardinals, but seldom rota or benevalete.<sup>84</sup>

In the period from Innocent III onwards letters and privileges were still the major forms of papal document. The number of privileges decreased and the number of letters increased. This led to a development in the character of these documents. Ordinary privileges disappeared. They instead either became solemn privileges or letters. The number of solemn privileges fell dramatically, decreasing in the thirteenth century and by the fourteenth century there are only a few isolated examples.<sup>85</sup> In the middle of the thirteenth century during the pontificate of Innocent IV a third document came into existence, somewhere between letters and privileges. The new document combined the characteristics of solemn privileges and letters. They were mainly used for decretals and general orders, in particular for politically important excommunications. Gradually they

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<sup>81</sup> Frenz, Papsturkunden, 26. See also Schmitz-Kallenberg, "Papsturkunden," 217

<sup>82</sup> Falkenstein, La Papauté, 16. Another statement on the distinction between these two letters is found in Santifaller. Santifaller, "Papsturkunden," 85-6

<sup>83</sup> Breslau notes the difficulty to tell them apart from litterae cum serico. H. Bresslau, Handbuch der urkundenlehre für Deutschland und Italien, vol. 1 (Berlin: Gruyter, 1958), 81

<sup>84</sup> Falkenstein, La Papauté, 18. See also Frenz, Papsturkunden, 21. Frenz notes that obvious distinguishing features were not present, the only authentication being the leaden seal. Frenz, Papsturkunden, 24

<sup>85</sup> Schmitz-Kallenberg, "Papsturkunden," 215

were used for all kinds of papal decrees, including confirmations of rights and possessions. They were called ‘bulls’ in the narrower sense as opposed to the broader sense, covering all sorts of papal documents.<sup>86</sup> Most of the privileges that survive in cartularies would fit into the blurred category of little privileges, *littera cum serico* and later bulls. For this reason the terms will be used interchangeably.

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<sup>86</sup> Schmitz-Kallenberg, “Papsturkunden,” 216. Original Papal Letters in England 1305-1415, ed. P. N. R. Zutshi (Città del Vaticano: Biblioteca Apostolica Vaticana, *Index Actorum Romanorum Pontificum*, 5, 1990), xlv

## **The Argument**

The thesis breaks down into three parts. The first part looks at the collections of papal letters which were either held by English Cistercian houses or to which they had easy access and of which they were aware. Chapter one discusses two key factors which affected survival. It considers the role Cistercian centralisation played. Then the survival of papal material in England is investigated and the loss of manuscripts since the Middle Ages assessed. The second chapter studies the surviving English Cistercian cartularies. It looks at the purpose behind their composition and considers how that affected the material which survived. Specific cartularies are discussed in detail. This evidence comes together to show that most, if not all, Cistercian houses in England had access to large collections of papal letters and that they were familiar with their rights as part of the wider Cistercian Order.

The second part of the thesis examines the detail of those papal letter collections, focussing upon their 'spiritual' aspects. Chapter three looks at how privileges worked to buttress the peaceful observance of the Cistercian life. Other sources will be used in order to flesh out the detail provided by the papal letters and to seek to show that those letters were effective on the ground. This chapter demonstrates the local variation that was present throughout England regarding the specific detail of the privileges, particularly until letters began to be addressed and sent to the entire Order in 1185. The fourth chapter will look at the expansion of Cistercian privileges. It will show that their privileges increased with the structures of governance within the Order. This in turn dramatically



reduced the role of the bishop. This was a major factor in allowing the monks to have a pastoral role in the lives of the laity who lived and worked on their estates. This chapter will carry the study to the end of monasticism in England in order to provide specific detail and to investigate the increasing role that Cistercian houses and their monks had in running and ministering in churches in their lands.

Finally the third part of the thesis will give a detailed case study of this involvement in the lives of the laity. It will look at the church court which was administered by the Cistercian monks of Whalley in Lancashire. The structure and origins of the court will be outlined. The next chapter investigates how the court dealt with fornication and adultery, which constituted the most regular offences which came before the court and which the Order had been granted jurisdiction over in the thirteenth century by Alexander IV. It will study the penances which were imposed by the monks on the laity. The last chapter will investigate how the court dealt with the marriage cases which came before it.

## Part 1: The Records of English Cistercian Privileges

### Chapter 1: Cistercian Centralisation and Manuscript Losses

#### Introduction

Papal letters that affected English Cistercian houses can be found today in a number of different locations. A small proportion of them survive as originals; some were recorded in the papal registers; others were included in canon law collections. Mainly these papal privileges survive in medieval cartularies. The importance of cartularies for medieval researchers has long been recognised. Trevor Foulds noted that they ‘are probably the most valuable category of records for the period between Domesday Book and the thirteenth century.’<sup>87</sup> This comment is especially true for research into papal letters.

Walther Holtzmann, who produced a three-volume edition of the papal letters to England for the twelfth century commented that his research was dependent upon copies and almost all of these were to be found in cartularies.<sup>88</sup> While the papal registers were well maintained and have been well preserved at the Vatican since 1198 and the pontificate of Innocent III, the records are by no means complete. One had to pay for letters to be recorded in the thirteenth century, unless the pope had a specific reason for registering them. As a result, it is not entirely clear what was registered or why. Many important letters were not entered into the records. What is clear is that the registers are incomplete and were never intended to include a copy of every letter that was dispatched.<sup>89</sup> Decretal

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<sup>87</sup> T. Foulds, “Medieval Cartularies,” *Archives*, 18 (1987), 3

<sup>88</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 1, 24

<sup>89</sup> *The Letters of Pope Innocent III (1198-1216) Concerning England and Wales: A Calendar with an Appendix of Texts*, ed. C. R. Cheney and M. G. Cheney (Oxford: Clarendon Press, 1967), xix, xxi

collections are another type of source in which one can find papal letters. The letters that they record usually have abridged texts and there was seldom any interest in recording names correctly. Cheney certainly did not consider them a significant source of material.<sup>90</sup>

Monastic chroniclers and historians sometimes included important decretals and papal letters. Examples are Roger of Howden and the Chronicle of Meaux, written by Thomas Burton, who mentions the details of a large number of papal letters to his abbey.

Nonetheless, on the whole chronicles do not contain many papal letters. A few letters of particular importance were entered contemporaneously into the rolls of the royal chancery.<sup>91</sup> The reason that cartularies are particularly significant for research on papal material in England is obvious. The dissolution of the monasteries, the Reformation and centuries of anti-papal feeling encouraged the destruction of papal material. Given this climate it is remarkable that so many originals do survive, but they still make up only a small fraction of the total number of letters that were produced, as attested by the much greater number of letters which survive in the records of cartularies.<sup>92</sup> Consequently this part on English Cistercian papal records will focus primarily and fundamentally upon cartularies.

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<sup>90</sup> *Innocent III: Calendar*, ed. Cheney, xxii

<sup>91</sup> *Innocent III: Calendar*, ed. Cheney, xix

<sup>92</sup> For lists of the surviving original papal letters to England see H. Idris Bell, "A list of Original Papal Bulls and Briefs in the Department of Manuscripts, British Museum," *English Historical Review*, 36 (1921). H. Idris Bell, "A list of Original Papal Bulls and Briefs in the Department of Manuscripts, British Museum (Continued)," *EHR*, 36 (1921). Also see *OPD*, ed. Sayers and *OPL*, ed. Zutshi

This part attempts to map out what papal letters individual English Cistercian houses had easy access to or possessed themselves. It has been divided into two parts. The first will look at two major factors which had an impact upon the material that survived. It shall investigate how the Cistercian Order operated in regard to both individual houses and collectively in as much as this affected the survival of papal letters. This part will end by considering the survival of papal material in England, gauging the extent of manuscript losses, particularly over the period of the Reformation.

The second chapter part of this part will look at the cartularies themselves. The purpose of cartularies generally will be investigated, setting this work in the context of recent historiography, as well as looking at how the surviving English Cistercian material can add to and develop our understanding. Then specific Cistercian cartularies will be discussed, first those which have a significant number of papal letters surviving within them and then those that do not. Case studies will be carried out on the papal letter collections, particularly in an attempt to show why certain letters and privileges were included in collections and why others were excluded, especially when we know in some cases that a monastery had a copy of a letter which was not entered into the cartulary. All this evidence converges towards the conclusion that most, if not all, Cistercian houses in England had access to large collections of papal letters and that they were familiar with their rights as part of the wider Cistercian Order.

### **The community of Cistercian houses and its impact upon papal letter collection**

When considering the survival of papal letters to English Cistercian houses and when trying to work out both what English Cistercian houses possessed and what they had easy access to the nature of the Cistercian Order and its centralizing structures are vitally important. The Cistercians had pioneered centralized monastic governance and at the forefront of this ‘federation of monasteries’ was a system of visitations and annual general chapters.<sup>93</sup> The general chapter of the Order met at Cîteaux every year on the vigil of Holy Cross (13 September) and all the abbots of the Order were under obligation to attend. Distant houses were permitted to attend less frequently. Scottish abbots only had to attend in person once every four years. The same privilege was granted to abbots in Ireland, Portugal and Sicily.<sup>94</sup> It is clear that even early in the Order’s history many abbots often failed to attend, since the records of the general chapter record that penances were imposed upon those who did not come.<sup>95</sup> No figures survive for attendance in the twelfth and thirteenth centuries but it is clear that a large number of abbots did not attend each year.<sup>96</sup> Lekai suggests that in these centuries an attendance of about two hundred and fifty, that is about a third of the total number of abbots, is probably a realistic estimate, based upon the expansion of provisions to house those attending the general

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<sup>93</sup> B. Bolton, *The Medieval Reformation* (London: Edward Arnold, 1983), 38

<sup>94</sup> C. H. Lawrence, *Medieval Monasticism* (London: Longman, 2001), 190

<sup>95</sup> ‘Abbates qui ad Capitulum non venerint, nec miserint eo anno quo debent venire, a die Capituli Cisterciensis in stallum abbatis non intrent, et omni sexta feria ieiunent in pane et aqua, donec Cistercium venerint.’ *Statuta capitulorum generalium ordinis Cisterciensis ab anno 1116 usque ad annum 1786*, ed. J. M. Canivez, vol. 1 (Louvain: Revue d’Histoire Ecclésiastique, 1933), 61, 1157:13

<sup>96</sup> Matthew Paris comments on the attendance at the general chapter in 1244 saying ‘et ecce omnes abbates cum universe conventu, videlicet quingenti.’ *Matthaei Parisiensis monachi sancti Albani, Chronica Majora*, ed. H. Richards Luard, vol. 4 (London: Rolls Series, 57, 1877), 391-2. Lewis and Short translate quingenti either as five hundred or as a large number.

chapter.<sup>97</sup> As the centuries rolled on attendance fell. The Hundred Years' War prevented English abbots attending and in the fifteenth century attendance generally declined dramatically. In the first half of the sixteenth century the number of abbots attending never exceeded fifty.<sup>98</sup> This said, it is clear that structures were in place to carry material both to Cîteaux and to bring it back to the Cistercian houses of England. Two abbots were sent each year to report on the decisions of the national general chapter<sup>99</sup> and proxies were sent to represent groups of abbots in the late fourteenth century.<sup>100</sup> One can see a structure in place whereby all English Cistercian abbots could easily be made aware of the decisions of the General Chapter even if they did not attend in person. The account of Lazarus of Padway's journey to the General Chapter, even during a time of war, demonstrates a very high degree of desire to attend the General Chapter.<sup>101</sup> Thus with some qualifications, and with a firm realization that the reality of Cistercian practice did not necessarily meet with the high ideals of the Order, it must still be emphasized that the centralised structures of the Order did play a very significant role in the history of their papal privileges.

The history of papal privileges to the whole Cistercian Order begins with four major letters,<sup>102</sup> which developed the structures of the Order. Throughout the rest of the history of the Order a large number of privileges to the whole Order would be produced. As

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<sup>97</sup> Lekai, *Ideals and Reality*, 50

<sup>98</sup> Lekai, *Ideals and Reality*, 107

<sup>99</sup> *Letters from English Abbots to the Chapter at Cîteaux, 1442-1521*, ed. C. H. Talbot (London: Camden 4<sup>th</sup> Series, 4, 1967), 8. Changes can be seen to be made to those decisions on the same page.

<sup>100</sup> R. Graham, "The Great Schism and the English Cistercian Order," *EHR*, 44 (1929), 376. Graham also mentions the abbot of Dore getting a passport to go to the Chapter General in 1410.

<sup>101</sup> *Letters from English Abbots*, ed. Talbot, 7

<sup>102</sup> The four are the letters of Pascal II (1100), Calixtus II (1119), Innocent II (1132) and Eugenius III (1152). See *Narrative and legislative texts*, ed. Waddell, 251-2, 295-6, 390-4. Goez, *Pragmatische Schriftlichkeit*, 128-9

Goez points out, the importance of these papal privileges was recognised at Cîteaux, where their significance was placed on a par with the Rule of St. Benedict and the Carta Caritatis. This exalted position is reflected in reminders to protect all their papal documents and to be careful to make accurate transcriptions of them; newly founded monasteries were directed to strive immediately to obtain the privileges they had rights to as members of the Order.<sup>103</sup> Privileges to the Order did not just take the form of letters such as 'Sacrosancta Romana ecclesia' which confirmed the Carta Caritatis.<sup>104</sup> Individual houses received letters which confirmed the privileged rights that a Cistercian house was entitled to from the Papacy. It appears that each house sent a representative to Rome when they wished to obtain a copy of the privileges to which they were entitled. It was only during the pontificate of Lucius III on April 1, 1185 that a papal privilege is recorded to the Order generally.<sup>105</sup> This development was not accompanied by the central distribution of general letters. During the pontificates of Clement III and Celestine III the papal letters to Fountains, Furness, Flaxley and Sawtry all include the same privileges in largely the same words, with minor variations in wording, the differing order of clauses and in the occasional addition of a locally specific clause. The variants imply that central

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<sup>103</sup> Goez, *Pragmatische Schriftlichkeit*, 129-30. For a new monastery being told to go to Rome to obtain the privileges of the order see *Statuta*, ed. Canivez, vol. 1, 344, 1207:57, 'Abbati de Bergardo qui de novo incorporatus est Ordini, conceditur ire Romam pro praeilegiis, quibus omnino caret, impetrandis.'

<sup>104</sup> This was first issued by Eugenius III and there were numerous bulls after Eugenius which reconfirmed the charter and confirmed alterations and additions which were made to it.

<sup>105</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 369. Holtzmann mentions two letters to the Cistercian Order. They are dated May 6 and May 9 respectively. It is interesting to note that the chapter general developed significantly in the 1180s. Janet Burton has said of the Cistercian General Chapter that 'it has long been clear from the surviving records of the Chapter that its mature functions surface c. 1180. It is in this period that we see the Chapter regularly disciplining wayward abbots.' Burton, 'The Monastic World,' 127. This can be seen in Cistercian statutes regulating imprisonment within monasteries appearing in 1187. It appears likely that some Cistercian houses had facilities to imprison errant monks before this date, following the example of other monasteries and orders. What the appearance in the statutes seems to show is an example of the development in the function of the Chapter. This is part of a general growth in standardisation within the order from around 1180, a point which can be seen in the emergence of foundation histories at this time, as well as significant advances in the content of Cistercian privileges. The emergence of letters to all the houses of the Cistercian Order is part of this process.

mass distribution of a standardised exemption privilege was not happening at that time. Rather this suggests individual houses were travelling to the Papacy to get their own privileges updated. No letters to all houses of the Cistercian Order survive for the pontificate of Innocent III in English records. General letters become common during the pontificate of Honorius III and were probably distributed at the General Chapter.<sup>106</sup> This was a significant development as it allowed individual monasteries to make a copy of the general letter as well as simply collecting one produced in Rome.<sup>107</sup>

This development was facilitated in the thirteenth century as the general chapter recorded that Cîteaux kept central records of the papal letters to the Order.<sup>108</sup> A house could inspect the relevant papal privileges at Cîteaux, determine which were lacking from their own records, and then make an authenticated copy for themselves from those records. One consequence of this central archiving was that copies had to be reliable. In 1287,

<sup>106</sup> Sayers suggests this is the case specifically for those originals which have *Cistercium* written where one would usually find a named proctor. *OPD*, ed. Sayers, xlviii

<sup>107</sup> Letters did not always proceed from the centre to the locality. Sometimes a privilege was obtained in the locality and then later obtained by the whole order. *Memorials of the Abbey of St. Mary of Fountains*, ed. J. R. Walbran, vol. 2 part I (Durham: Surtees Society, 67, 1878), 64-5n

<sup>108</sup> 'Quoniam sicut omnia flumina, ut iterum fluant, ad locum unde exeunt revertuntur, sic communia Ordinis privilegia apud matrem nostram Cistercium reposita, cum aliquibus commodata fuerint, ad eundem locum sint citius referenda, ut iterum aliis indigentibus suffragentur; statuit et ordinat Capitulum generale quod quicumque de privilegiis eisdem aliqua nunc habent vel detinent, infra instans Pascha apud Cistercium deferre aut mittere non omittant; alioquin si abbates fuerint, ex tunc se depositos noverint auctoritate Capituli generalis; si monachi vel conversi, eadem auctoritate ab omni officio ex tunc noverint se suspensos.' *Statuta*, ed. Canivez, vol. 3, 224, 1282:32. This can also be seen in 1287:5 'Cum duplex bonum sit cum simplicitate columbina habere prudentiam serpentinam, ad defensionem libertatum ordinis praecipit capitulum generale quod transcripta privilegiorum generalium seu conservationum de quibus in diffinitionibus ordinis mentio non habetur teneantur portare ad sequens Capitulum vel mittere, diligenti prius collatione habita de eisdem'; *Statuta*, ed. Canivez, 1340:12, 'Item, cum nonnulli abbates et monachi ordinis saepe praeteritis temporibus ad domum Cisterciensem matrem nostram pro commodandis privilegiis recursum habuerint eaque secum portaverint pro suis et monasteriorum suorum negotiis prosequendis, et ea neglexerint, ne forte dicatur, contempserint reportare; eapropter generale Capitulum dictis abbatibus et monachis sub poena excommunicationis praecipit et iniungit, quatinus praedicta privilegia apud Cistercium saltem infra proximum venturum capitulum generale reportare, vel per certum et securum nuntium remittere non omittant, et idem de aliis quatuor monasteriis ordinis statuit capitulum generale'; also see *Statuta*, ed. Canivez, 1485:32; 1489:98; 1490:12



probably as a result of a specific case, the general chapter ordered all copies to be conscientiously checked with the originals. Alternatively at considerably greater cost a monastery could send to Rome to obtain a copy.<sup>109</sup> While this was more expensive it was much more effective when disputes did arise.<sup>110</sup>

Another centralised structure which operated within the Cistercian Order was a system of national chapters general or convocations. A national gathering of English Cistercian abbots is mentioned even in the thirteenth century. Rose Graham commented that the ‘abbot of Waverley had been accustomed to preside over convocations of the abbots (of the Cistercian Order) in the province of Canterbury at least since the thirteenth century.’<sup>111</sup> This is the only reference I have found in the secondary literature on English Cistercians. Intriguingly one papal letter of Alexander IV dating from 17 September 1258 to English Cistercians is addressed to the abbot of Waverley and all the abbots of the archdioceses of Canterbury and York.<sup>112</sup> This is the only letter of its kind and normally those addressed to the English Cistercians simply say to the Cistercian houses in the

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<sup>109</sup> After around 1200 there was a general decline in demand for solemn privileges, which were the most expensive products available at the papal Chancery. They grew less common as the thirteenth century progressed but were still available to the end of the Middle Ages, and beyond in Catholic countries. *OPD*, ed. Sayers, lxiii. One of the reasons for the decline in privileges may have been the fall in income of monasteries. A more likely explanation is that the monasteries had already received extensive rights and that those rights could not be expanded much further, particularly when they encroached upon the rights of others in ecclesiastical authority who jealously guarded their rights.

<sup>110</sup> Goez, *Pragmatische Schriftlichkeit*, 143. The point that individual monasteries obtained copies of general letters is demonstrated by the varying dates in letters, as well as in identical letters which are addressed to a specific house. The evidence for these general letters fits the evidence below for letters to the English Cistercian houses. McDonald records that a significant papal letter of Benedict XII was noted in the collections of three houses, while Whalley, which had suffered particular harassment, had a bull made out specifically for itself. P. McDonald, “The Relations between the Papacy and the religious order in England, 1305-1352,” (unpublished D. Phil. Thesis, University of Oxford, 1984), 37-8

<sup>111</sup> Graham, “The Great Schism,” 385

<sup>112</sup> University College Oxford MS 167, f. 29. The reason Waverley presided or took precedence is because it was the first Cistercian house founded in England and precedence by date of foundation had been established in the *Carta Caritatis*.

provinces of Canterbury and York. In 1342 the General Chapter revoked the decrees of a provincial chapter which had been called by the abbots of Waverley, Tintern and Quarr.<sup>113</sup> National chapters were instituted in 1381 as a result of the Great Schism at the end of the fourteenth century but they appear only to have been sanctioned during the Schism.<sup>114</sup> Talbot certainly felt that they continued beyond the Schism, with the convocation dealing with discipline, making decisions and drawing up decrees. Indeed he stated this became an established structure of governance. National chapters were centrally sanctioned again by the General Chapter of 1433, which fixed the time and place of their annual meeting. Further it was ordered that two abbots would be given the job of taking the decisions of the convocation to the General Chapter, where the diffinitors of the whole Order could confirm or change them as necessary. Several letters that Talbot edited refer to such meetings at Coventry, Guildford, Leicester, London, Salisbury, and Shrewsbury.<sup>115</sup> Reference is made to the abbot of Tilty going to convocation around 1444.<sup>116</sup> Even if officially sanctioned meetings were not mentioned or approved of by the General chapter informal or unofficial meetings were certainly taking place from an early date.

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<sup>113</sup> *Statuta*, ed. Canivez, vol. 3, 469

<sup>114</sup> Graham, "The Great Schism," 374. Records survive for a provincial chapter of the Cistercian Order, meeting in Combe abbey, dated 23 March 1407. *The Coucher Book of Furness Abbey*, ed. J. Brownbill, vol. 2 (Manchester: Chetham Society, 78, 1919), 699-701

<sup>115</sup> *Letters from English Abbots*, ed. Talbot, 7. Lekai was not aware of this. He saw the national chapters stopping with the end of the Schism. He said it was reintroduced briefly for three years from 1437-40 by Eugenius IV. Lekai, *Ideals and Reality*, 94

<sup>116</sup> John Feryng, a monk of Tilty is noted going to convocation with the abbot twice. This material dates to around 1444. Chelmsford, Essex RO, T/B3, part 3, p359-60

If the English Cistercians did meet together from the thirteenth century it would explain the existence of the papal letters which are addressed to them.<sup>117</sup> Even if these letters were sent to Cîteaux one is still left with the problem of how they were distributed across the country and a central gathering would certainly have been the most efficient way of this happening swiftly. Only nine papal letters survive to the English Cistercians alone. Of these letters to the English Cistercians seven have survived in more than one copy, one surviving in six copies.<sup>118</sup> They give interesting information about how papal letters were produced and the nature of distribution. The general trend was for these letters to have the same information in their dating clauses, thus there are three copies of Benedict XII's letter, dated 4 February 1337 at Avignon<sup>119</sup> and one finds the same in two or three other examples.<sup>120</sup> However this is by no means the whole picture. Often identical letters exist with differing dates. In the case of Alexander IV's letter, 'Pro reverentia gloriose,' two copies survive, one being an original, dated 19 August 1255<sup>121</sup> and a further two copies date some seven months later to 7 March 1256.<sup>122</sup> The evidence suggests that the

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<sup>117</sup> Alternatively another method could have been in place whereby a house would discover the existence of a letter to the English houses and obtain a copy. This information could either have been gained at the general chapter or as a result of knowledge spreading as Cistercian monks gave hospitality to one another.

<sup>118</sup> Of the nine four are recorded at Fountains (including the two which are not recorded anywhere else), Furness, Sibton, Newenham, Meaux; two at Holm Cultram and Rufford and one at Rievaulx.

<sup>119</sup> University College Oxford MS 167, f. 36; G. V. O. Orange, "The Cartulary of Meaux: A Critical Edition" (unpublished PhD thesis, University of Hull, 1965), 107 and Oxford Bodl Top Devon d. 5, f. 6.

<sup>120</sup> Innocent IV "Cum a nobis petitur," has three copies with the same dating material all to English Cistercians. BL Harley 3911, f. 148, Orange, "Meaux Cartulary", no. 54 and Oxford Bodl Top Devon d. 5, f. 12v. Innocent IV "Solet annuere sedes" has two copies with the same dating information, Sibton Abbey Cartularies and Charters, ed. P. Brown, vol. 2 (Woodbridge: Boydell & Brewer, Suffolk Record Society, Suffolk Charters, 8, 1986), 330, no. 466 and The Coucher Book of Furness Abbey, ed. J. C. Atkinson, vol. 1 part 3 (Manchester: Chetham Society, 14, 1887), 595-6. Honorius III, "Cum contemplationi vacantibus," June 23 1221. The Register and Records of Holm Cultram, ed. F. Grainger, and W. G. Collingwood (Kendal: Titus Wilson & Son, 1929), 99 and Cartularium Abbathiae de Rievaille, ed. J. C. Atkinson (Durham: Surtees Society, 83, 1887), 199. It should be noted the same letter survives in a copy to Furness but this is undated. Furness Coucher, ed. Atkinson, vol. 1, part 3, 584. These would either have reached the cartularies as each had its own copy produced by the curia or they may have obtained transcripts of one of these originals.

<sup>121</sup> OPD, ed. Sayers, no. 505 and Orange, "Meaux Cartulary", no. 64

<sup>122</sup> Sibton Cartularies, ed. Brown, vol. 2, no. 451 and Furness Coucher, ed. Brownbill, vol. 2, part 3, 795-6

letter was produced at the curia in a number of copies. When these reached England there were not enough to meet demand and so another expedition was launched to obtain further copies.<sup>123</sup> The numbers in questions are of course impossible to estimate.<sup>124</sup> Some monasteries will have been satisfied, whether for economic or other reasons, with making a transcript of the letter or simply being aware of it and where a copy could be seen, others will have sought after their own copy from Rome. The existence of letters with this difference in dating shows that when the curia produced a letter in the thirteenth century it dated it on the day it was produced rather than the day the first version was approved.<sup>125</sup> This is strengthened by the fact that often copies will vary simply by a day, which would imply that the production of a number of copies of a general letter had spilled over into the following working day.<sup>126</sup> Finally we shall consider Innocent IV's

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<sup>123</sup> Often these copies will have been for named Cistercian houses. Sayers notes two general letters where the endorsements tell us who the intended recipient was, one for Sawtry (no. 346) and the other Stratford Langthorne (no. 526). *OPD*, ed. Sayers, xlvii-viii

<sup>124</sup> It is possible that one copy alone may have been produced.

<sup>125</sup> Zutshi has asked the question of how the date was determined for material from 1305 to 1415. *OPL*, ed. Zutshi, lxiii. His conclusions are different from mine. Having looked at all the English Cistercian material the system appears to have changed and become better organized and more standardized in the fourteenth century. It is unclear when this change took place. It does not appear to have happened by 1262 as records still survive of the same two letters carrying differing dates. Urban IV, "Devotionis augmentum," Orange, "Meaux Cartulary", 97 and University college oxford MS 167, f. 41v. There is a gap in suitable Cistercian material to make further statements until 1295. From then onwards no two identical letters have variant dates. Two are in agreement for 9 September 1295 which are *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 551-2 and University College Oxford, MS 167, f. 37v. Eight for 18 December, 1302, which are *Sibton Cartularies*, ed. Brown vol. 2, no. 455, *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 550-1, University College Oxford, MS 167, f. 28v and f. 77v, Orange, "Meaux Cartulary", 100, BL Harley 3911, f. 160v and Harley 3891, f. 124 and BL Harley 2064, f. 57. Three for 2 September 1309, University College Oxford, MS 167, f. 22v, *OPL*, ed. Zutshi, no. 62, Orange, "Meaux Cartulary," no. 78. Four for 2 September 1309, *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 558-60, University College Oxford, MS 167, f. 30v, 79, Harley 3891, f. 126v. Three for 4 Sept 1309 which are Orange, "Meaux Cartulary," 104, *Furness Coucher*, ed. Atkinson, vol. 1, 563-6, Harley 3891, f. 127. Five for 4 February 1337, which are *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 553-5, BL Harley 3911, f. 169v, BL, Harley 2064, f. 57, Oxford Bodley Top Devon d. 5, f. 6 and Orange, "Meaux Cartulary", 107. Finally two more agree for 25 July 1383, University College Oxford, MS 167, f. 42v and *Furness Coucher*, ed. Atkinson, 623-624.

<sup>126</sup> Innocent IV, to English Cistercians, "Solet annuere sedes" is found in Orange, "Meaux Cartulary", no. 52 and *Sibton Cartularies*, ed. Brown vol. 2, no. 453 dated to 9 February and dated to the 10 February in Oxford Bodl Top Devon d. 5, f. 12. An original of this letter survives but the date has been lost. *OPD*, ed. Sayers, no. 266. This difference in dating could be the result of scribal error back in England. I do not think this can call into question the argument that has been put forward that letters were dated the day the scribe

letter ‘Significastis nobis quod.’ Four copies survive to the English Cistercians, two dated to 28 January 1244,<sup>127</sup> one to 20 February<sup>128</sup> and one is undated.<sup>129</sup> A further three copies of the letter survive all dated 28 January, but they are to individual English Cistercian houses.<sup>130</sup> Fountains had both a general and a specific copy. It seems probable that, when the letter was requested, not only a certain number of general copies but also a number of specific copies were obtained, which would explain how five of the letters share the same date. The proximity of the Newenham letter is puzzling as there would not have been time for the first letters to have reached England and more to be requested. Perhaps a separate journey to Rome had been undertaken for a different purpose and the traveller became aware of this letter and acquired another copy or new copies. This would fit with the evidence in the Newenham cartulary which has two other papal letters dating from around that time.<sup>131</sup> It certainly seems unlikely that a scribe wrote down both the day and month incorrectly. Another alternative to travelling to Rome was to request material to be sent to England and to the English Cistercian houses. In 1480 the abbot of Woburn wrote

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wrote them. This can be further backed up when one looks at the number of multiple copies which Meaux held which have differing dates. Orange, “Meaux Cartulary,” no. 23 “Contingit interdum quod,” is dated 15 March 1219 and he refers to no. 34 as a copy which dates to 9 April, 1224. No. 24 “Cum preter pauperem,” dates to 15 March 1219 and the copy, no. 32 to 8 April, 1224. This letter is also found at Sibton dating 21 December 1218, *Sibton Cartularies*, ed. Brown vol. 2, 328, no. 458 and *Regesta Pontificum Romanorum*, ed. A. Potthast, vol. 1 (Graz: Akademische Druck- u. Verlagsanstalt, 1957), no. 5944, dating to 19 Dec 1218. Finally there is an undated copy at *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 584-5. Meaux has many other copies with variant dates, see Orange, “Meaux Cartulary”, nos. 31 copy of 25, 35 of 26, 33 of 27, 36 of 29, 40 of 38, 43 of 42, 53 of 52, 55 of 54 and 63 of 49.

<sup>127</sup> *Sibton Cartularies*, ed. Brown vol. 2, no. 452 and Fountains, University College Oxford, f. 27v

<sup>128</sup> Oxford Bodl Top Devon d. 5, f. 12

<sup>129</sup> Holm Cultram. Three copies of this survive: BL Harley 3911, f. 149v, Harley 3891, f. 128v, Harley 1881, f. 147v

<sup>130</sup> *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 597-8, Orange, “Meaux Cartulary”, no. 50 and University College Oxford, MS 167, f. 27v

<sup>131</sup> Innocent IV, “Significastis nobis quod,” dat lat, 10 kal march year 1, Oxford Bodl Top Devon d. 5, f. 12; Innocent IV, “solet annuere sedes,” dat lat, 4 idus February year 1, Oxford Bodl Top Devon d. 5, f. 12; Innocent IV, “Cum a nobis,” dat lat, 12 kal march year 1, Oxford Bodl Top Devon d. 5, f. 12v

to the abbot of Cîteaux and asked that a copy of a bull that had been sent to him should be sent under the seal of the abbot of Cîteaux to all the abbots of England in the Order.<sup>132</sup>

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<sup>132</sup> 'In christo colendissime pater, religionisque tam sancte renovator precipuus, copiam bulle nuper nobis missam optaremus ut poterit mitti sub sigillo vestro maiori in pergameno ad partes anglie, ut possunt patres intueri quomodo ad curiam romanam accesscissent si dominacio vestra non fuisset et habuisset maximos labores pro quiete illorum.' Letters from English Abbots, ed. Talbot, 78

## Loaning Letters

As well as sending to Cîteaux, the national convocation, or the Curia, monasteries lent documents to one another.<sup>133</sup> This is significant when one considers how wary many medieval monasteries were of lending books generally, never mind those as significant as their papal privileges. This reluctance to lend can be seen in the Rule of a community of French Third Order Franciscans, which reads: 'No outsider, whether monk or secular priest can take a book outside of this monastery, in case the book is destroyed.' It is the same with the college of Bernardines in Paris which declared: 'No one, irrespective of rank, may take a book outside this library, whether for himself or for someone else, inside the college or out, without the highest penalty.'<sup>134</sup> D. N. Bell notes that borrowing became more popular in the later middle ages but a great deal of care was still taken as to whom one lent books and severe penalties were agreed if the material was not returned on time.<sup>135</sup> What is particularly interesting is that while the loaning of books is recorded a number of times for English Augustinian and Benedictine monasteries this practice is not recorded at any English Cistercian house.<sup>136</sup> The only recorded instance of Cistercians

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<sup>133</sup> Goetz, *Pragmatische Schriftlichkeit*, 143

<sup>134</sup> L. Smith, "Lending books: The growth of a medieval question from Langton to Bonaventure," in *Intellectual Life in the Middle Ages: essays presented to Margaret Gibson*, ed. L. Smith and B. Ward (London: The Hambledon Press, 1992), 267

<sup>135</sup> D. N. Bell, "The libraries of religious houses in the late middle ages," in E. Leedham-Green and T. Webber, *The Cambridge History of Libraries in Britain and Ireland*, vol. 1 (Cambridge: Cambridge University Press, 2006), 145. For other examples see Rochester abbey lending to rector of Southfleet in 1390. See Leedham-Green and Webber, *History of Libraries*, vol. 1, 534 and another loan outside of monastery from Westminster, Leedham-Green and Webber, *History of Libraries*, vol. 1, 246.

<sup>136</sup> Bell, "The libraries of religious houses," 145-6. There are a number of references to book lending to individuals outside the monastery in English Benedictine catalogues. Eg from Durham to Roger of Huntingfield, rector of Balsham in 1329. *English Benedictine Libraries: The Shorter Catalogue*, ed. R. Sharpe, J. P. Carley, R. M. Thomson and A. G. Watson (London: Corpus of British Medieval library catalogues, vol. 4, 1996), 129. There are also a number of references from Augustinian monasteries loaning books to outsiders. Eg. Barnwell, Lanthony and Thurgarton (the last one which was loaning books to an

being involved in book lending is found in the letter book of Robert Joseph, monk scholar of Evesham, which provides an example of a Cistercian monk lending books rather than a house. Robert Joseph was lent books by a John Winchcombe, a monk of Hailes.<sup>137</sup> In view of the fact that other orders lent books, even outside their own order and, as we are about to see, the lending of papal letter across English Cistercian houses was commonplace, it seems certain that Cistercians were engaged in the lending of books, both to other houses in their order and probably still further afield but the records of this practice have not survived. Even if they did not loan material out to others generally at least this shows the strength of bonds between Cistercian houses and the importance of circulating papal letters.<sup>138</sup>

The evidence for inter-house loans of papal letters is drawn primarily from the margins of cartularies that contain substantial collections of papal letters. The results are fascinating. They reveal that material was not simply transferred from mother to daughter houses as Goez had shown in regard to Bavarian Cistercian houses, but show that material moved in both directions, often with the mother house relying on the material of her daughter rather than the other way round, and second that the information networks were far wider

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Augustinian house. *The Libraries of the Augustinian Canons*, ed. T. Webber and A. G. Watson (London: Corpus of British Medieval library catalogues, vol. 6, 1998), 6, 35, 415.

<sup>137</sup> The matter arises twice in the letter book. 'Lutherus has asked me on your behalf for the books which you lent me nearly a year ago. I return them with many thanks, asking you to excuse my delay; you did not fix a time for their return. Friends have everything in common. I shall be delighted to lend you any of my books in return.' *Letterbook of Robert Joseph, monk scholar of Evesham and Gloucester College, Oxford, 1530-3*, ed. J. C. H. Aveling and W. A. Pantin (Oxford: Clarendon Press, 1967), 106 and 'I know for myself, and also from what Antony the inn-keeper says, how kindly you regard me. He greeted me most warmly in your name; and my heart rejoiced at his praise of you and at your messages to me. He delivered to me a book of Erasmus, which I was not expecting yet; for I was not prepared to send back your Homer, as a pledge for which I had made over my book. So far more utilitarian studies have prevented me from devouring your Ulysses, so please let me keep it longer. If you want it, let me know, and I will send it back at once.' *Letterbook of Robert Joseph*, ed. Aveling and Pantin, 215-6

<sup>138</sup> It would seem strange if the English Cistercians sought to have a network of lending with one another and yet would not lend to those outside the order, although this is possible.



than Goez could demonstrate. The Rievaulx cartulary records that a papal letter was at Woburn.<sup>139</sup> The only relationship between the two monasteries was that they were part of the Clairvaux family. There was a significant distance between them. Two references are found in the Cartulary of Meaux<sup>140</sup> referring to the sources of the recorded material. One reference tells us that the copy that Meaux holds is a certified copy from Abbot Sylvanus of Rievaulx.<sup>141</sup> As Sylvanus was abbot from 1167 to 1188 and because the letter dates to either 1 May 1178 or 1179 it seems fair to assume that this occurred shortly after the original arrived. The second reference is to a bull being at Kirkstead.<sup>142</sup> While Kirkstead and Rievaulx are both geographically near to Meaux it is important to note that Meaux was a sister of Kirkstead and a daughter of Fountains. Here rather than seeing the daughter turning to the mother we see her turning to a sister house and to Rievaulx, a house with no close relationship. Meaux possessed three privileges to other Cistercian houses in her cartulary: Dunkeswell,<sup>143</sup> Holm Cultram<sup>144</sup> and Roche.<sup>145</sup> Again there are no immediate family ties to any of those houses, although Holm Cultram and Roche were connected to Clairvaux. This demonstrates the great geographical distances over which these networks operated. Kirkstall's cartulary notes material came from Fountains,<sup>146</sup> Holm Cultram<sup>147</sup> and Roche.<sup>148</sup> Fountains was the mother house but there was no close connection to the other two houses. All three houses were from the Clairvaux family. The

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<sup>139</sup> Cartulary of Rievaulx, ed. Atkinson, no. 40

<sup>140</sup> BL, Landsdowne 424

<sup>141</sup> Orange, "Meaux Cartulary", no. 7

<sup>142</sup> 'ista bulla est in plumbo apud Kyrksted.' Orange, "Meaux Cartulary", no. 84

<sup>143</sup> Orange, "Meaux Cartulary" no.67

<sup>144</sup> Orange, "Meaux Cartulary" no. 22

<sup>145</sup> Orange, "Meaux Cartulary" no. 85

<sup>146</sup> The Coucher Book of the Cistercian Abbey of Kirkstall, ed. W. T. Lancaster and W. Paley Baildon (Leeds: Thoresby Society, 8, 1904), 265-6

<sup>147</sup> Kirkstall Coucher Book, ed. Lancaster and Paley Baildon, 29-30

<sup>148</sup> Kirkstall Coucher Book, ed. Lancaster and Paley Baildon, 265-6

Newenham cartulary demonstrates a knowledge of papal letters stored at Cleeve, Ford, Beaulieu, Stratford, Stanley,<sup>149</sup> Boxleigh,<sup>150</sup> Dunkeswell, Biddlesden and Waverley.<sup>151</sup> While the mother house, Beaulieu is referred to so is a much wider network. Links here go to the family of Cîteaux, Aumône and Clairvaux. When one examines similar evidence for Holm Cultram nine letters show that the authors of the cartularies had copied material from other named monasteries. Here we see Holm Cultram turning to Boxley,<sup>152</sup> Fountains,<sup>153</sup> Vaudey,<sup>154</sup> Louth Park<sup>155</sup> and Stratford,<sup>156</sup> as well as Holm Cultram's grandmother Rievaulx.<sup>157</sup> What strikes one here is that Holm turns to English monasteries, even far off Stratford rather than her mother Melrose or the other closer Scottish houses. Clearly from this evidence Holm Cultram's identity and her information networks were firmly in England, although Holm Cultram does turn to other shores, recording material at Balkinglass<sup>158</sup> in Ireland as well as at Clairvaux.<sup>159</sup> Most but not all

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<sup>149</sup> ***Ista Privilegia sunt apud Forda et apud Bellum Locum***

Apud Forda sunt duo privilegia de feno et herbagio novalibus animalium et aliis minutis decimis acquisitis ante concilium [4th Lateran Council] sive post. Item apud Forda est instrumentum publicum qualiter abbas de Clyua fuit iudicialiter dimissus de minutis decimis.

Apud bellum locum est aliud privilegium et apud Stratford quod licet omnia privilegia concessa fuissent revocata. Ibidem reperiuntur indulgentie quod nobis obstante tali revocatione predicta privilegia in suo robore perseverabunt

***De latte lana et Agnis apud Stanligh***

Apud Stanligh in Wiltes est privilegium latte et lana sub plumbo quod incipit Clemens... Oxford Bodley Top Devon d. 5, f. 14v

<sup>150</sup> 'apud Boxligh,' Oxford Bodley Top Devon d. 5 f. 15

<sup>151</sup> 'originale apud Bithelisdene, Donkisswille, waverligh,' Oxford Bodley Top Devon d. 5 f. 11

<sup>152</sup> BL Harley 3911, f. 158

<sup>153</sup> BL Harley 3911, f. 161

<sup>154</sup> 'apud valle dei,' BL Harley 3891, f. 118v

<sup>155</sup> 'ista bullatur apud parcolude,' BL Harley 3911, f. 169v

<sup>156</sup> 'Consimile privilegium habetur apud Stratford bullatum a papa Alexandro similiter et Honorio sed ibi est generale.' BL Harley 3911, f. 147

<sup>157</sup> 'hec bulla apud Reivault,' Harley 3891, f. 124. There is also a reference to a papal letter of Innocent IV residing at Clairvaux. 'Memorandum quod dominus papa Innocentius IIIus de novo confirmavit omnia privilegia ordinis nostri Cisterciensis et per bullam suam omnibus prelati et iudicibus ordinariis mandavit districte precipiendo in virtute obedientie ut servent et servare faciant illibata privilegia nostra et libertates et immunitates et dicta confirmatio una cum mandato domini papa habetur in Clarevall' Harley 3911, f. 141v

<sup>158</sup> BL Harley 3911, f. 152v

<sup>159</sup> BL Harley 3911, f. 154

of the references are to houses in the Clairvaux family. In the cartulary of Furness five references are present telling us where papal letters can be found to Boxley,<sup>160</sup> Sawley, Roche,<sup>161</sup> Swineshead<sup>162</sup> and Kirkstead.<sup>163</sup> The only close family tie is to Swineshead, which is one of Furness's daughter houses. All these houses belonged to the family of Clairvaux. Boxley, a daughter of Clairvaux, had familial links to Furness, a daughter of Savigny and thus Clairvaux. What is striking here is the sheer distance between Boxley and Furness, approximately two hundred and fifty miles as one travelled from near the Lake District to beyond London. This demonstrates that a significant network of information was at work.

When one turns to the evidence recorded in University College Oxford MS 167 a dramatic and extensive network emerges. The marginal notes in this manuscript refer to sixteen different locations where a copy that the scribe has made can be found. Fountains consulted papal material stored locally at Jervaulx<sup>164</sup> and Rievaulx.<sup>165</sup> The network went north to Holm Cultram in Cumberland,<sup>166</sup> west to Whalley in Lancashire,<sup>167</sup> east to Swineshead in Lincolnshire,<sup>168</sup> and south to Stratford, in Essex.<sup>169</sup> All these houses were part of the family of Clairvaux. The network went across the English Channel to

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<sup>160</sup> 'Ista Bulla est apud Boxeley,' *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 623-624

<sup>161</sup> 'est bulla ista apud Rupem et Sallay' *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 587-8

<sup>162</sup> 'bulla ista est apud Swyneshede,' *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 589-90

<sup>163</sup> 'originale est in Claravalle, et transumptum sub manu publica apud Kirkstede,' *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 547-8

<sup>164</sup> University College Oxford, MS 167, f. 29v

<sup>165</sup> University College Oxford, MS 167, f. 28v, 38

<sup>166</sup> University College Oxford, MS 167, f. 32, 34v

<sup>167</sup> University College Oxford, MS 167, f. 39, 41v

<sup>168</sup> University College Oxford, MS 167, f. 35

<sup>169</sup> University College Oxford, MS 167, f. 28v

Fountains' mother house of Clairvaux<sup>170</sup> and indeed to Cîteaux<sup>171</sup> and Morimund,<sup>172</sup> as well as across the Irish channel to Mellifont.<sup>173</sup> Fountains also turned to six of her own daughters, Meaux,<sup>174</sup> Vaudey,<sup>175</sup> Louth Park,<sup>176</sup> Kirkstall,<sup>177</sup> Kirkstead<sup>178</sup> and Woburn.<sup>179</sup> Goez noted that a system whereby a daughter house knew of the papal letters stored at the mother house went some way to explaining the absence of many important papal privileges in the archives of Cistercian houses. She commented that several daughter houses of Ebrach, a Bavarian Cistercian house, lacked key privileges, probably because of reasons of cost and because they could fall back upon the copies of the mother abbey.<sup>180</sup> In the material from the above English Cistercian houses, but most dramatically from Fountains, we see an extensive network of information about papal material from which an English Cistercian house could draw. The network went both from mother house to daughter but also in the other direction. These networks tended to be within families, such as that of Clairvaux, but this was not always the case. In addition the network spread over hundreds of miles across the country and even beyond to Ireland and France. As a result of gatherings of abbots, both nationally and internationally, not to mention the system of visitations which operated within the Cistercian Order and other

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<sup>170</sup> University College Oxford, MS 167, f. 25v, 37v

<sup>171</sup> University College Oxford, MS 167, f. 24, 37v, 42v. 'Est in Cistercio.' University College Oxford, MS 167, f. 24

<sup>172</sup> University College Oxford, MS 167, f. 25

<sup>173</sup> 'In monasterio Melli fontis in hibernia est sub bulla et obtinet continue vigorem,' University College Oxford MS 167, f. 32

<sup>174</sup> University College Oxford, MS 167, f. 29v, 37

<sup>175</sup> University College Oxford, MS 167, f. 29, 37, 37

<sup>176</sup> University College Oxford, MS 167, f. 29v, 30, 30v

<sup>177</sup> University College Oxford, MS 167, f. 23.

<sup>178</sup> 'originale est in claravalle et transumptum manu publica apud Kirkestde,' University College Oxford, MS 167, f. 25v. This is almost exactly what is recorded at Furness regarding the same letter. 'originale est in Claravalle, et transumptum sub manu publica apud Kirkstede,' *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 547-8

<sup>179</sup> University College Oxford, MS 167, f. 39

<sup>180</sup> Goez, *Pragmatische Schriftlichkeit*, 143

travel, where monks stayed in other houses within their order,<sup>181</sup> Cistercian houses would have been aware of the privileges that were held by their order, regardless of whether they held a copy or not. Should they want to obtain a copy without applying to Rome they were able to find either a copy or an original as a result of the strong network of communication and exchange which operated between English Cistercian houses. This indeed goes a significant way to explaining why many Cistercian privileges are absent from surviving Cistercian records. It is worth recording that Innocent IV's letter 'Significastis nobis quod' which has been discussed above and which survives in seven copies today has a note in the margin of the Fountains manuscript 'Est valde bonum privilegium et necessarium et raro invenitur.'<sup>182</sup> On the other hand only two cartulary copies of Alexander IV's letter, which granted rights to hear cases of adultery and fornication, have survived;<sup>183</sup> this despite the fact that it is referred to as being at both Holm Cultram and Meaux,<sup>184</sup> two monasteries with significant papal letter collections surviving in their cartularies. Could it have been that the very widespread nature of the possession of this letter meant that it was not recorded in those cartularies because its existence was so well known and its possession general, whereas for a rare letter such as 'Significastis nobis quod' it was absolutely vital that it was recorded, hence the high number of its appearances? Is it possible that time has obscured what was once clear and made common what was once rare?<sup>185</sup>

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<sup>181</sup> For an example of this see John Feryng, a monk of Tilty, recorded as riding to the abbot of Vaudy to confer with the Lord Abbot for six days, in c. 1444, after which they rode on to a convocation held at Huntingdon. Chelmsford, Essex RO, T/B3, part 3, p360.

<sup>182</sup> University College Oxford, MS 167, f. 27v

<sup>183</sup> University College Oxford, MS 167, f. 32 and Norwich, Norfolk Record Office, Hare of Stow Bardolph MS 1, 232 x, f. 4v

<sup>184</sup> There are also references to the letter being at Dore and Mellifont, Ireland.

<sup>185</sup> One thinks of the greater potential for academic books to survive in the longer term as opposed to popular paperbacks.

The material from these marginal notes gives us some evidence of the varied ways that monasteries kept records of papal letters, for example in the form of the original bull or in a copy in a register. Far from always having a desire to obtain original copies from the Papacy monasteries were clearly satisfied with possessing reference to the material in a number of forms.<sup>186</sup> The evidence that survives for Sibton records one of two details with its papal bulls, either they were in the original or in inspeximus copies.<sup>187</sup> The scribe records that they hold the bull, saying ‘bulla est apud Sibeton.’<sup>188</sup> The records of Fountains state that privileges were held in the original or ‘sub plumbo.’<sup>189</sup> Alternatively the scribe of Sibton notes they are under the seal of a bishop, for example writing ‘Sub sigillum S. Cantuarensis archiepiscopi’ or ‘sub sigillo R. Episcopi.’<sup>190</sup> This can be seen in the records for Furness abbey. A bull of Boniface VIII dated 1302 ‘was produced at York Minster on 14 May 1344 by John de Munkegate, clerk, proctor of the abbot and convent of Furness and certified by the official of the archbishop’s court as prefect, being published and transcribed by him in the presence of Thomas de Bridekirk, John Roberts of Hakethorp, Hugh de Fletham, John Bryan and John Thomas of Hakethorp notaries public, Thomas de Nassyngton, John de Touthorp, William de Langeton, Adam de Twyselton, Adam de Eboraco, Robert de Neuwenham, Johanne de Beverlaco and

<sup>186</sup> Furness had a reference to the letter being recorded in the papal registers. ‘sumitur de Registro papali Romae in libro ii de Regularibus A xii, f. Cxlix’ *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 555-7

<sup>187</sup> There is a third which reads “non st” meaning there are no copies. In document no. 460 it reads ‘bulla est apud sibeton non st.’ Non st is recorded alone in documents nos. 446, 455, 456, 458 and 462. Occasionally neither is recorded, eg. *Sibton Cartularies*, ed. Brown, vol. 2, no. 449

<sup>188</sup> *Sibton Cartularies*, ed. Brown, vol. 2, nos. 447, 457 and 459

<sup>189</sup> ‘Habetur apud Kirkestall sub bulla’, University College Oxford, MS 167, f. 23. ‘originale est in claraualle.’ University College Oxford, MS 167, f. 25v. ‘et ideo exigit originale,’ University College Oxford MS 167, f. 26v. ‘apud Valle dei dicitur esse sub bulla.’ University College Oxford, MS 167, f. 29. ‘et est original apud Parculude.’ University College Oxford, MS 167, f. 30

<sup>190</sup> *Sibton Cartularies*, ed. Brown, vol. 2, nos. 449, 452, 453, 454, 465 and 466. Once both are recorded, ‘in bulla et sub sigillo J. Episcopi apud Sibeton,’ no. 448. This occurs in the Meaux cartulary as Walter de Gray, archbishop of York authenticates a privilege of Gregory IX. Or Orange, “Meaux Cartulary”, no. 168

others.<sup>191</sup> When a charter was recorded in a copy and its authenticity witnessed by another's seal, such as a bishop's it was called an *inspeximus* charter.<sup>192</sup> Twice in the Cartulary of Meaux the papal letter is in a copy under the seal of an abbot, in one case Sylvanus of Rievaulx, in the other, J. of Fountains. These are the only times I have seen an abbot attaching his seal to authenticate a document.<sup>193</sup> Meaux had eighteen *inspeximus* charters from the chapter of Beverley.<sup>194</sup> During the later Middle Ages the tendency increased considerably to present authenticated copies in cases instead of the irreplaceable originals.<sup>195</sup> Public notaries were at work providing legally acceptable copies of original privileges. The notary was 'by definition ... a *persona publica* with some public functions, if only in the field of private law; he was authorised by a public authority to issue instruments.'<sup>196</sup> Notaries could make copies of an original charter and that copy would be trusted. This can be seen in the Fountains cartulary in Innocent VI's

<sup>191</sup> Furness Couchet, ed. Brownbill, vol. 2 part 3, 793-4. At the same time a bull of Urban III was certified and transcribed. A copy of Innocent IV's privilege "*Cum nuper duxerimus*," from 1251 was also recorded in a certified copy being registered in York on 24 September 1344. A further privilege of Alexander IV dating to either 1255 or 1256 was certified by Nicholas, archbishop of Armagh (1272-1305) with his seal attached. Furness Couchet, ed. Brownbill, vol. 2 part 3, 794

<sup>192</sup> N. Vincent, "The Charters of King Henry II: The Introduction of the royal *inspeximus* revisited," in Dating undated medieval Charters, ed. M. Gervers (Woodbridge: The Boydell Press, 2000), 103. C. R. Cheney, English Bishops' Chanceries, 1100-1250 (Manchester: Manchester University Press, 1950), 90-96. Hill, R. "Bishop Sutton and his Archives: a study in the keeping of records in the thirteenth century," JEH, 2 (1951), 51-2

<sup>193</sup> Sylvanus was abbot from 1167 to 1188 and dates to either 1178 or 1179. Orange, "Meaux Cartulary", 19. The letter of Innocent III authenticated by J. Abbot of Fountains was regarding Roche abbey rather than Meaux. Orange, "Meaux Cartulary", no. 85. Three successive John's were abbot of Fountains. The first from 1203-1211, the second from 1211-20 and the third from 1220-1247. The Heads of Religious Houses England and Wales 940-1216, ed. D. Knowles, C. N. L. Brooke, and V. C. M. London (Cambridge: Cambridge University Press, 1972), 133, The Heads of Religious Houses England and Wales 1216-1377, ed. D. M. Smith, vol. 2 (Cambridge: Cambridge University Press, 2001), 279-80

<sup>194</sup> 'Lucius IIIus sub sigillo beati Iohannis Beverlaci.... omnibus ad quos presens scriptum pervenerit capitulum Beverlacensis ecclesie salutem. Noverit universitas vestra nos indulgenciam domini pape inspexisse in hec verba.' Orange, "Meaux Cartulary", no. 8. Document nos. 9, 10, 17-29, 74 and 169 are also *inspeximus* charters from Beverley. There is also one *inspeximus* privilege from pope Alexander IV. Orange, "Meaux Cartulary", no. 68. They also have an *inspeximus* charter from William, dean of Oxford. Orange, "Meaux Cartulary", no. 75

<sup>195</sup> Goetz, Pragmatische Schriftlichkeit, 143

<sup>196</sup> C. R. Cheney, Notaries Public in England in the Thirteenth and Fourteenth centuries (Oxford: Clarendon Press, 1972), 1

letter, 'Dudum feliciter recordationis,' of 21 May 1353, which reads 'hic transumptus auctoritate curie Eboracensis sub sigillo officialis et manu publica.'<sup>197</sup> Here the authenticity of the transcript was proved both by the seal of the official and others as well as being in the hand of a public notary.<sup>198</sup> This same practice can be seen regularly in the cartulary of Fountains, albeit in less detail.<sup>199</sup> Finally two letters are even recorded as being in books, one belonging to the abbot of Whalley, 'de libro abbatis de Whalley',<sup>200</sup> and one in the records of Fountains herself.<sup>201</sup>

The marginal information shows us that these letters were often physically lent rather than simply being copied in the scriptorium of the monastery which owned it. In one instance the marginal note tells us that an original was lent by Fountains to Sinningthwaite, a nunnery in Yorkshire; although it had been lost by that house one of Fountains daughter houses, Louth Park, had an original. The margin of the bull of Alexander IV, 'sedes apostolica duxit' reads, 'Istud originale perdidimus per moniales de Synigthwait, tempore abbatis P',<sup>202</sup> sed est aliud originale in Parcolude.'<sup>203</sup> Because we

<sup>197</sup> University College Oxford, MS 167, f. 39

<sup>198</sup> A Similar case dating later but recorded in substantially more detail is seen for Furness concerning a privilege from Innocent VIII on 12 September 1484. *Furness Coucher*, ed. Atkinson, Brownbill, vol. 2 part 3, 796-9

<sup>199</sup> 'transumptum sub manu publica apud Kirkestede.' University College Oxford, MS 167, f. 25v; 'Optimum privilegium est originale est ut dicitur in parcolude sed sub manu publica est apud Melsa et Jorevallem,' University College Oxford, MS 167, f. 29v; 'et est original apud Parcum lude hic vero sub manu publica.' University College Oxford, MS 167, f. 30

<sup>200</sup> University College Oxford, MS 167, f. 41v

<sup>201</sup> 'in libro 2º de regularibus anno 12º folio CXLIXº memorandum quod hec bulla non habetur sub plumbo in monasterio de Font' sed apud Cistercium,' University College Oxford, MS 167, f. 42v

<sup>202</sup> P is abbot Peter Alyng, who is thought to have been deposed. *Memorials of Fountains*, ed. Walbran, vol. 2 part 1, 65n

<sup>203</sup> University College Oxford, MS 167, f. 30v. This is not the only instance I have seen of a monastery lending a nunnery papal privileges. The cartulary of Marham contains papal letters to Cistercian monks including a letter addressed to Rievaulx. Norwich, Norfolk Record Office, Hare of Stow Bardolph MS 1, 232 x.

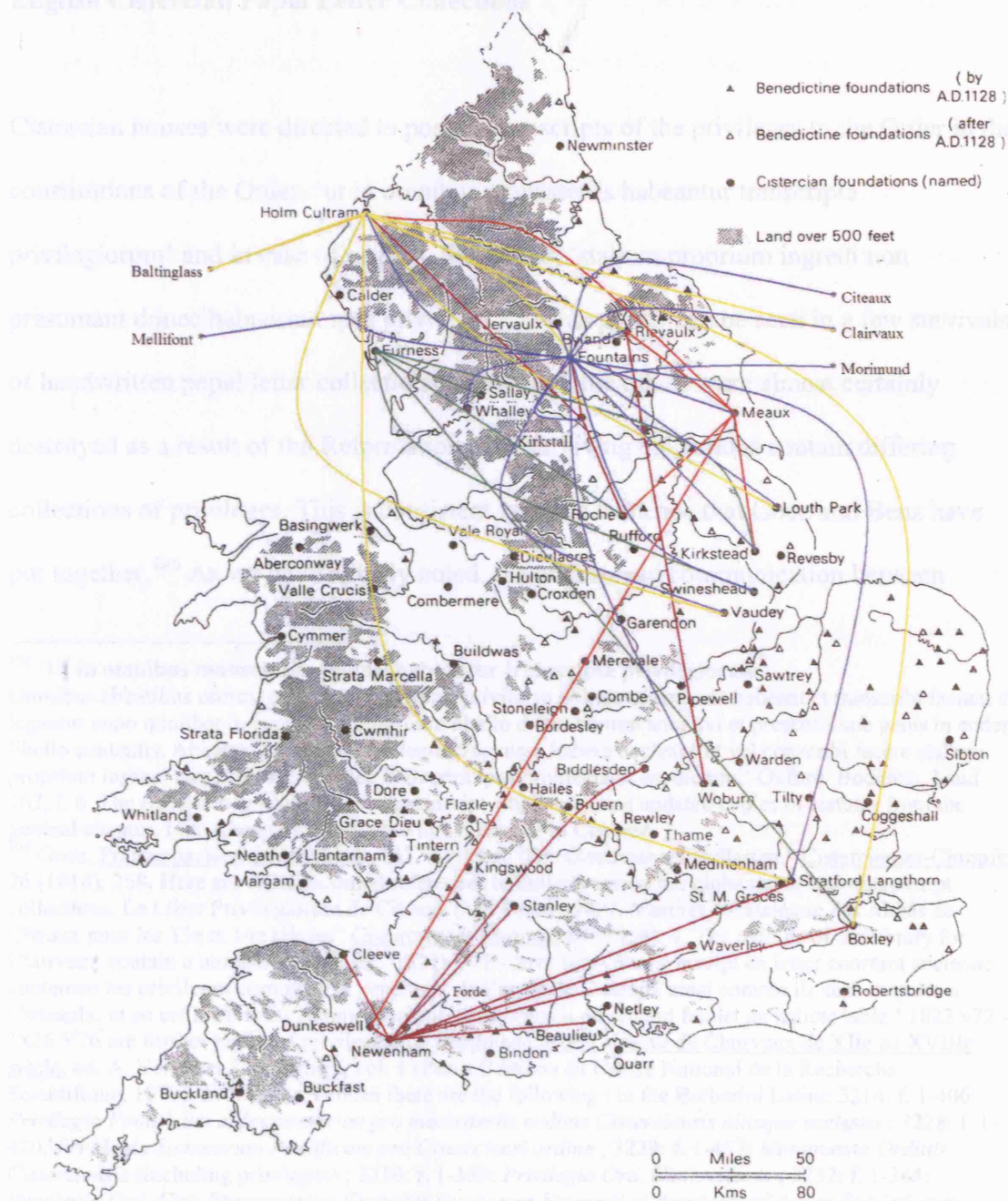


are told that the privilege was lost in the time of Abbot P. we can date the loss of this papal bull to between 1275 and 1279.<sup>204</sup>

This takes us to the question: when did this system of “inter-library loans” begin? The manuscripts that have been used to show these borrowing networks mainly date to the fourteenth and fifteenth century, with one exception, BL Harley 3911 which dates to the reign of Edward I and may have been produced in the late thirteenth century. The lost letter above shows us that privileges were being lent in the last quarter of the thirteenth century. The evidence from Meaux, which recorded two instances of that house holding letters copied from other houses, dates this borrowing network early. The letter given by Sylvanus dates to the 1180s, if not even slightly earlier, while the letter from Abbot John of Fountains dates from between 1200 and 1240. The network was operating from at least the mid-thirteenth century if not earlier.

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<sup>204</sup> The original itself dated to 26 October 1257.



Map taken from R. A. Donkin, *The Cistercians* (Toronto: University of Toronto Press, 1978), 30

Map of "Inter-Library Loan" Network (p42-5). Each set of coloured lines represents the citations in the records of the house from which the lines of that colour proceed, eg. The Furness citations are in green.

## English Cistercian Papal Letter Collections

Cistercian houses were directed to possess transcripts of the privileges to the Order in the constitutions of the Order, 'ut in omnibus monasteriis habeantur transcripta privilegiorum' and in case of neglect, the abbots, 'stallum proprium ingredi non presumant donec habuerint ipsa privilegia.'<sup>205</sup> This policy can be seen in a few survivals of handwritten papal letter collections in England, the others were almost certainly destroyed as a result of the Reformation. The surviving collections contain differing collections of privileges. This is consistent with the evidence that Goetz and Benz have put together.<sup>206</sup> As we have already noted, the widespread communication between

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<sup>205</sup> 'Ut in omnibus monasteriis ordinis habeantur transcripta privilegiorum.

Omnibus abbatibus ordinis praecipitur quatinus privilegia ordinis communia habeant et transcribi faciant et legantur anno quolibet in capitulo ordinis cum libello diffinitionum anni xvi et presentis sub penis in eodem libello contentis. Abbates autem qui privilegia praemissa habere neclexerint vel conscribi facere stallum proprium ingredi non presumant donec habuerint ipsa privilegia ut est dictum.' Oxford, Bodleian, Laud 362, f. 6. The reference is taken from a manuscript which contains undated copies of statutes from the general chapter. I have been unable to find this reference in Canivez.

<sup>206</sup> Goetz, *Pragmatische Schriftlichkeit*, 143. A. Benz, "Die Cistercienser Bullarien," *Cistercienser-Chronik*, 26 (1914), 258. Here are some recorded references to bullaria across the globe in various manuscript collections. Le Liber Privilegiorum de Cîteaux (MS Dijon 598) J. Marilier, "Catalogue des Abbés de Cîteaux pour les 13e et 14e siècles" *Cistercienser Chronik*, 63 (1956), 4. The records of the library for Clairvaux contain a number of bullaria. '1821: V71.- Item une volume escript en letter courant ancienne contenant les privileges communs et generaux de l'ordre de Cisteaux ainsi comme ilz sont intitules a Cisteaulx, et en est la table au commencement, commençant on second feullet en ladicte table.' 1822 v72 - 1826 V76 are further books of privileges. *La Bibliothèque de l'abbaye de Clairvaux de XIIe au XVIIIe siècle*, ed. A. Vernet et J.-F. Genest, vol. 1 (Paris: Éditions du Centre National de la Recherche Scientifique, 1979), 290. In the Vatican there are the following : in the Barberini Latini: 3214: f. 1-406: *Privilegia Pontificum et Imperatorum pro monasteriis ordinis Cisterciensis aliisque ecclesiis* ; 3228: f. 1-420: *Privilegia Summorum Pontificum pro Cisterciensi ordine* ; 3229: f. 1-467: *Monumenta Ordinis Cisterciensis* (including privileges) ; 3230: f. 1-369: *Privilegia Ord. Cisterciensis* ; 3232: f. 1-364: *Privilegia Ord. Cist. Et praesertim Coenobii Sanctorum Vincentii et Anastasii ad Aquas Salvias, cum pluribus instrumentis*. J. Leclercq, "Textes et manuscrits cisterciens à la bibliothèque Vaticane," *Analecta Sacri Ordinis Cisterciensis*, 15 (1959), 85. In New York, the collection of Bernard M. Rosenthal, C15, recueil de privileges accordés par les papes Martin V et Eugenius IV at la Congregation Cistercienne de Castile. J. Leclercq, "Textes et manuscrits cisterciens dans diverses bibliothèques," *Analecta Sacri Ordinis Cisterciensis*, 20 (1964), 218. In Sydney Sinclair noted that 'Nous terminons l'étude des manuscrits cisterciens de l'Australie par une description du codex 1/7a du fonds Mitchell de la *Public Library à Sydney*..... Notre codex renferme les Privilèges de l'ordre de Cîteaux, le Carta Caritatis Posterior et le Libellus antiquarum diffinitionum. Aux ff. 1r-8v est copié l'index, suivi, aux ff. 8v-9r, d'une analyse des privilèges, puis du texte, aux ff. 9r-18v, dont la rubrique préliminaire est: *Incipiunt privilegia libertates immunitates et indulgentie nobis a sede apostolica concesse qui sunt sub compendio in decem capitulis*

Cistercian houses may explain this as they were able to turn to neighbours to view privileges they did not possess. Benz pointed out that different resolutions of the General Chapter required that the collection of privileges had to be carefully guarded in the archives and had to be read out annually in a similar way to the constitution of the Order.<sup>207</sup> Nonetheless with the advent of printing a Cistercian bullarium was produced by Abbot John de Cirey of Cîteaux which would have allowed each house to have a copy of an extensive list of the Orders' papal privileges.<sup>208</sup> The bullarium was produced in 1491 and Benz notes that it is very significant that this volume was produced before the rituals, constitutions and other important books of the Cistercian Order were printed, which proves what high value the Cistercians placed on their papal bulls and how important an exact knowledge of them was held to be by individual monastery superiors and members.<sup>209</sup> This volume is not recorded in D. N. Bell's article on printed books in English Cistercian houses, but neither did it make it into the library of Cîteaux according to his article on it. It may well have been such an important book that it was not stored with the other books and thus eludes us in these records only to be destroyed with other papal records at a later date.<sup>210</sup> Fountains had a manuscript copy.<sup>211</sup>

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*comprehense quorum primum est De privilegiis generaliter ordini concessis. Bonum impretiabile est libertas. Libertas igitur in privilegiis et indulgentiis a sede apostolica nobis concessis inviolabiliter observetur....* Le tout prend fin au fol 18v... *non obtento sed reservetur integraliter ad defendendas ordinis libertatem.* K. Sinclair, "Quelques manuscrits cisterciens inconnus en Australie," *Analecta Sacri Ordinis Cisterciensis*, 20 (1964), 236

<sup>207</sup> Benz, "Die Cistercienser Bullarien," 258

<sup>208</sup> This was not a complete list of privileges to the Order. C. Waddell, "The Myth of Cistercian Origins: C. H. Berman and the Manuscript Sources," *Cîteaux*, 51 (2000), 328

<sup>209</sup> Benz, "Die Cistercienser Bullarien," 258. Printed editions of Cistercian privileges were a relatively regular occurrence in the early modern period.

<sup>210</sup> D. N. Bell, "The library of Cîteaux in the fifteenth century: *Primus inter pares* or *unus inter multos*?" *Cîteaux*, 50 (1999) and D. N. Bell, "Printed books in English Cistercian Monasteries," *Cîteaux*, 53 (2002)

<sup>211</sup> University College Oxford MS 167, f. 61-184v

## The Impact of Manuscript Losses

Throughout history man-made disasters have been a great destroyer of historical documents and the records of the Cistercians are no exception. When an imperial and Catholic army sacked the abbey of Cîteaux in 1636 the soldiers made a point of destroying its muniments and took a particular pleasure in ripping up its papal letters.<sup>212</sup> The archives in Cîteaux were further depleted in the eighteenth century, especially after the abbey was dissolved during the French Revolution.<sup>213</sup> The major damage to English monastic archives occurred as a result of the dissolution of the monasteries under Henry VIII. The records and libraries of monasteries across England suffered extensive losses. There are monastic houses whose entire collections have disappeared from history.<sup>214</sup> Histories, patristics and biblical works had the highest odds of survival, while scholastic theology and philosophy, as well as law-books, were particularly vulnerable.<sup>215</sup> As well as these, papal documents and material relating to the endowments of altars, lights and images were especially targeted.<sup>216</sup> The laws that set about abolishing papal jurisdiction expressly stated that any ‘bulls, breves, faculties and dispensations of the bisshope of Rome or of any [of] his predecessors’ were void and of no value in English courts.<sup>217</sup> These laws were built on the foundation of the ‘statute of praemunire’ of 1393 and they

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<sup>212</sup> P. King, *The Finances of the Cistercian Order in the Fourteenth Century* (Kalamazoo, Michigan: Cistercian Publications, 1985), 7

<sup>213</sup> King, *The Finances of the Cistercian Order*, 7

<sup>214</sup> *OPD*, ed. Sayers, xxx

<sup>215</sup> Ker, N. R. “The Migration of Manuscripts from the English Medieval Libraries,” in Ker, N. R. *Books, Collectors and Libraries: Studies in the medieval Heritage* (London: The Hambledon Press, 1985), 464

<sup>216</sup> A notable exception to this purge occurred at St. Paul’s Cathedral, London, which may well have kept a greater quantity of letters of indulgence than any other repository in Britain. N. Ramsay, “The Library and archives to 1897,” in *St Paul’s: The Cathedral Church of London 604-2004*, ed. D. Keene, A. Burns and A. Saint (New Haven: Yale University Press, 2004), 417

<sup>217</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 1, 10

led to an 'Urkundenstrum' against papal documents. The imperial envoy Dr. Oritz sent a letter to the empress Isabella on 10 January 1536, which included a copy of a proclamation 'for burning bulls granted in times past for pardons, so that the name of the See Apostolic may be rooted out of the kingdom.'<sup>218</sup> People were charged with, amongst other things, concealing papal privileges.<sup>219</sup> Other documents show that royal commissioners collected papal letters, rather than simply destroying them on the spot. William Prior of Bridlington wrote to Thomas Cromwell saying that he had done according to the king's letter and had 'sent up the charters of our foundation and grants of appropriation to our poor house, with all our papistical muniments and bulls.'<sup>220</sup>

What is abundantly clear is that only a tiny proportion of original letters survived and that those which survive in cartulary copies comprise a relatively small proportion of the original total. For a comparison between originals and the survival in cartularies one can look to St Augustine's Canterbury and Fountains. Holtzmann pointed out that by 1200 about one hundred and twenty papal letters to St. Augustine's have survived in various cartularies, while only one original survives, strangely in the Vatican Archives in Rome.<sup>221</sup> At Fountains the papal letters appear to have been purposely destroyed when the abbey was dissolved. No trace survives of any of them. The exception comes in the form of a leaden seal which was originally attached to a letter from Innocent III. It was found in some rubbish outside the abbot's house when the site was excavated in the mid

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<sup>218</sup> Letters and Papers foreign and domestic, of the reign of Henry VIII, ed. J. Gairdner, vol. 10 (London: HMSO, 1887), 26 no. 72

<sup>219</sup> Papsturkunden in England, ed. Holtzmann, vol. 1, 10-11

<sup>220</sup> Letters and Papers, ed. Gairdner, vol. 10, 202 no. 501

<sup>221</sup> Papsturkunden in England, ed. Holtzmann, vol. 1, 11

to late nineteenth century.<sup>222</sup> This is to be compared to the 118 which are recorded in one manuscript, University College Oxford, MS 167. Still more papal letters to Fountains survive in the various topographical cartularies for the abbey. If surviving originals are only a tiny proportion of bulls surviving in cartularies, the latter in turn seem to have been a modest proportion of the number that once existed. While Cheney said it was impossible to give a satisfactory answer to the question of what proportion of letters have survived he did state that the evidence 'suggest(s) that the losses since the thirteenth century have been very numerous, probably far in excess of the survivals. Our calendar includes nearly half as many 'mentions' as texts. It is safe to assume that a greater number has disappeared without trace.'<sup>223</sup>

While the response to papal letters was varied the most common reaction was to destroy. Papal bulls became symbols of alien government with connotations of treason. Similarly people with anti-Catholic feeling and later generations of Puritans sought to quite literally erase any reference to the pope from material that they owned or had power to destroy. The scarcity of original letters in the records of the cathedral chapters suggest that the destruction was general.<sup>224</sup> In the face of this assault the most vulnerable items were the large and ostentatious solemn privileges, which suffered almost total destruction, with only twenty surviving for the period 1198 to 1304.<sup>225</sup>

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<sup>222</sup> *Memorials of Fountains*, ed. Walbran, vol. 2 part1, 1n1

<sup>223</sup> *Innocent III: Calendar*, ed. Cheney, xviii

<sup>224</sup> *Innocent III: Calendar*, ed. Cheney, xix

<sup>225</sup> *OPD*, ed. Sayers, lxiii

## Reasons for Survival

A number of factors were crucial for the survival of papal letters. How they were stored and where were two of the key factors. Boxes existed which only had papal letters in and these were very vulnerable. Generally the larger monasteries, which tended to have the greatest collections of papal letters, stored these letters together in a special crate. This can be seen in the archive rooms of the medieval archbishops of Canterbury. The list of records for 1277 has 290 charters in fourteen vasa (a vas was a large storage unit). Vasa 12-4 contained papal letters.<sup>226</sup> St Paul's stored its bulls in a separate bag, while Westminster had them in a separate chest. Meaux, Stanley and Robertsbridge are Cistercian examples.<sup>227</sup> As a result of this it was easy to destroy them in one fell swoop and at the Reformation this is what almost always occurred. This happened at Westminster Abbey. Only one original survives of the 209 recorded between Paschal II and Boniface IX. The exception was copied in 1303 but was not placed back amongst the other papal letters and so escaped destruction.<sup>228</sup> Westminster still has a significant number of papal letters which survive, twenty-three in total, but these were not from the main collection and were not stored with the other papal letters. 'What remain mostly concern Luffield Priory and the London collegiate church of St Martin-le-Grand, of which Westminster had acquired the property to endow King Henry VII's chapel c. 1504.'<sup>229</sup> The papal letters which remain are seldom the great privileges and letters of

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<sup>226</sup> J. E. Sayers, "The Medieval care and custody of the Archbishop of Canterbury's archives," *BIHR*, 39 (1966), 99.

<sup>227</sup> Sayers, "medieval care and custody," 100. For Meaux, see Orange, "Meaux Cartulary", xx

<sup>228</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 1, 11-2

<sup>229</sup> C. R. Cheney, "Some Features of Surviving Original Papal letters to England," *Annali della scuola speciale per archivisti e bibliotecari dell'universita di Roma*, 12 (1972), 4



grace. They are normally those which were stored in other local sections of the archives because the letters were concerned with individual possessions or they were mandates concerned with an individual case.<sup>230</sup> This same point holds for the preservation of some originals at Christ Church Canterbury. This is also true for cartularies, where large collections of papal letters are few and far between and the general trend is to find papal letters in topographical sections rather than on their own.<sup>231</sup>

The survival of papal letters also depended on where they went after the Dissolution. The papal letter collections of the crown<sup>232</sup> and the colleges of Oxford and Cambridge retained a much higher proportion of their papal privileges largely because they were not significantly disturbed, while the monastery archives were dispersed, if not destroyed. Wherever these records went they were exposed to significant risks.<sup>233</sup> Many papal letters came into the possession of the crown. The royal commissioners who were instructed to carry out the dissolution of the smaller houses were ordered by the crown on 24 April 1536 to claim the seals and archives from each superior. It is not known how far this order was obeyed. What is abundantly clear is that there was no plan to combine the archives of the monasteries together in one place, despite Henry VIII's centralising tendencies and the foundation of the court of augmentation at this time in London to administer the confiscated church property.<sup>234</sup>

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<sup>230</sup> Cheney, "Some Features", 4

<sup>231</sup> Papsturkunden in England, ed. Holtzmann, vol. 1, 12

<sup>232</sup> OPD, ed. Sayers, xxx. Innocent III: Calendar, ed. Cheney, xviii-xix

<sup>233</sup> Cheney, "Some Features", 4

<sup>234</sup> Papsturkunden in England, ed. Holtzmann, vol. 1, 12

As well as falling into the hands of the crown, documents also came into the possession of the new owners of monastic lands.<sup>235</sup> In a climate where it was undesirable to retain papal documents their survival was often linked to their perceived interest or relevance, or that of the documents which contained them. Genealogists and lawyers were particularly likely to preserve them. By far the most common reason why they would be preserved was because they held details of ownership. As such a manuscript's survival was often intimately tied to the property that it was connected with. This is particularly true of cartularies which were often kept by families, whose ancestors had acquired them for this reason. Papal letters often confirmed grants of particular properties by named individuals.<sup>236</sup> When this occurred the odds of survival were dramatically increased. It must be noted that while in one sense privileges were of no value, as the decrees and decisions of the papal court were no longer binding on Englishmen,<sup>237</sup> where the papal letters demonstrated ownership, for example by confirming grants and endowments by members of the aristocracy, they became useful references to documents which were valid before the courts.<sup>238</sup> The beneficiaries of the distribution of monastic lands, as well as those who came into possession of those lands after them needed knowledge of the composition of the monastery's property so that they could defend their ownership rights in court. As a result of this monastic documents, which proved how the monastic property

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<sup>235</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 1, 12-3

<sup>236</sup> J. E. Sayers, *Papal Government and England during the pontificate of Honorius III (1216-1227)* (Cambridge: Cambridge University Press, 1984), 109

<sup>237</sup> Cheney stated that 'There was no profit in retaining papal privileges which no longer served as title-deeds,' in Cheney, "Some Features", 4 and 'No one any longer regarded papal privileges as effective title-deeds, or the decisions reached in papal courts as binding on Englishmen.' *Innocent III: Calendar*, ed. Cheney, xviii-xix. He does not appear to engage with Holtzmann's comments about their use as title deeds, even though his previous sentence and footnote in his calendar is to Holtzmann's introduction. Perhaps it is telling that that reference to Holtzmann, regarding a decree to burn bulls, is recorded PUE, I. i. 3-19 rather than PUE, I. i. 10. *Innocent III: Calendar*, ed. Cheney, xviii n. 5

<sup>238</sup> For an instance of this see Sayers, *Papal Government*, 109

had come together from countless individual donations and endowments, became the basis of the legal claim of the new owners, essentially being the title deeds. This process carried on throughout the centuries as the documents were produced before the courts in property cases. Sometimes these documents either remained with the case documents or were copied into them and so made their way into modern records.<sup>239</sup> This significantly affected the nature of the material which survived and this material in no way represents the original diversity of papal documents. Material which granted rights to run local ecclesiastical courts or rights to hear confession would have been of absolutely no value, and in the case of confession would have represented the very sort of ‘popery’ that many wanted to rid the country of. The survival of the kind of papal documents that could be used for property claims gives a misleading impression of the content of collections.

New owners of monastic documents and papal letters did not always keep them as records or simply destroy them. The thick parchment was prized for its usefulness for book binding. Sir William Petre came into possession of a substantial amount of land as a result of the dissolution and he dealt with the suppression of many monasteries. His clerks cut up some privileges to cover his estate-books and as a result fragments of one of the privileges has survived today.<sup>240</sup> Similar stories can be seen regarding a number of other papal letters.<sup>241</sup> A Cistercian example occurs for a leaf of the two volume Furness cartulary. The upper half of folio 178 of the first volume, National Archives, Duchy of

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<sup>239</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 1, 13-4.

<sup>240</sup> Cheney, “Some Features”, 4

<sup>241</sup> Cheney notes a privilege to the Gilbertines which was either issued by Celestine III or Innocent III, no. 1089 in his calendar of Innocent III’s letters. He also references a privilege from Innocent III for Tonbridge, see C. R. Cheney, “A papal privilege for Tonbridge Priory,” *Bulletin of the Institute of Historical Research*, 38 (1965). He also references other fragments of privileges, *Innocent III: Calendar*, ed. Cheney, xix

Lancaster, Miscellaneous Books, DL 42/3, was used as a binding fragment for another MS acquired by Cambridge University Library.<sup>242</sup>

As has already been noted many more letters survived in copies than in originals. This is because they were much less prone to destructive whims than individual original papal letters. They were protected by the useful and still legally valid material which surrounded them. Apart from anything else they would not have been spotted immediately. The destruction that struck the originals can be seen in cartularies.

‘In the copy collections, the cartularies, the traces of this persecution are still to be seen today. The damage was small when, as often happened, only the title “papa” was erased;<sup>243</sup> more serious for the modern researcher is when the text of the Papal document has been crossed out or it is rubbed, but most serious is the loss which was often brought about by ripping out the sheets containing the Papal documents, a procedure not just followed by contemporaries but also perpetuated by the next generation of Puritans.’<sup>244</sup>

One only has to look at the cartularies of the English Cistercian houses to see that those with large collections of papal letters are extremely rare, making up a small proportion of the surviving cartularies. It seems clear from this that many sections of papal letters in English Cistercian cartularies were removed and destroyed or have simply been lost.

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<sup>242</sup> G. R. C. Davis, *Medieval Cartularies of Great Britain* (London: Longmans, 1958), no. 428

<sup>243</sup> This can be seen in the Meaux cartulary in documents nos. 1, 3, 4-7, 82, 199 and 210. Orange, “Meaux Cartulary”, 6

<sup>244</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 1, 11

Those which opened with papal letters<sup>245</sup> would have been particularly vulnerable to being opened, found and destroyed. This may explain why the Fountains cartulary survived, despite containing the largest collection of privileges to any English Cistercian house: it opens with royal charters rather than papal letters. Many cartularies were lost simply through ignorance or indifference. People simply did not see the need to preserve them or take great care to do so. Davis noted that 'In all ages fire and other mishaps, damp, decay, the rats, the tallow-chandlers and the waste-paper merchants have taken a steady toll on them... In the survival of individual cartularies, much has been due to chance.'<sup>246</sup> Cartularies faced destruction throughout the Middle Ages as they were replaced by the monastery by a newer more up to date one. Once this had happened they could be discarded easily because they were no longer useful.<sup>247</sup> As will be explained when the composition of cartularies is considered in more detail a cartulary was not a copy of all the records of a house, neither was it a copy of an older cartulary, simply updated over time. As such an older cartulary may contain material not in a later one and if the older was discarded material would almost certainly be lost. The major loss that Walther Holtzmann bemoaned was not that of individual papal letters, because so many survived in copies, but the destruction and dispersal of monastic archives caused by the dissolution, it was this that he described as a hopeless picture.<sup>248</sup>

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<sup>245</sup> Something that Janet Burton has noted as typical of Cistercian cartularies. The Cartulary of Byland Abbey, ed. J. E. Burton (Durham: Surtees Society, 208, 2004), xxxii and xxxiii

<sup>246</sup> Davis, Medieval Cartularies, xiv

<sup>247</sup> A similar point has been raised about the loss of originals. P. J. Geary, Phantoms of Remembrance: Memory and Oblivion at the end of the first millennium (Princeton, New Jersey: Princeton University Press, 1994), 82

<sup>248</sup> Papsturkunden in England, ed. Holtzmann, vol. 1, 12 and 19

## Conclusions

Despite the dispersal of the records of Cistercian houses and the destruction of much of that material, particularly when it was or obviously contained papal material, we have enough evidence to sketch out the likely records that were held. It appears almost certain that each Cistercian house held a number of privileges in various forms and on top of this that they kept a record of transcripts of many papal letters to the Order in a specific cartulary or section of their cartulary. These were the volumes or sections that would have been most vulnerable to destruction. Those few that do survive appear to represent the normal holdings of Cistercian houses. They were not exceptional. The evidence for the loaning of material between Cistercian houses, as well as the high level of interaction within the Order in England and abroad would have led to a widespread knowledge of the rights and privileges that the Order held. The importance of those privileges within the Order, as seen in the statutes of the general chapter and the priority of producing a printed bullarium, could only have encouraged this further. The centralised structures would have kept houses across the Order up to date with developments concerning those privileges. Even when a given house did not hold a copy of a significant papal letter they would have been aware of it and would have known how to obtain a copy should they wish to or if a dispute concerning those rights arose.

## **Part 1: The Records of English Cistercian Privileges**

### **Chapter 2: English Cistercian Cartularies**

#### **Introduction**

This chapter aims to investigate the surviving English Cistercian cartularies. It will consider the purpose of cartularies generally, setting the work in the context of recent historiography. Then specific Cistercian cartularies will be discussed, first those which have a significant number of papal letters surviving within them and then those that do not. Case studies will be carried out on the papal letter collections, in an attempt to show why certain letters and privileges were included in collections and why others were excluded, especially when we know in some cases that a monastery had a copy of a letter which was then not entered into the cartulary.

It will be argued that every English Cistercian house probably possessed a cartulary which contained a substantial papal letter collection: it was common for Cistercian cartularies to include a significant papal letter collection or to have a separate volume dedicated to them. As we noted in the previous chapter these volumes were particularly vulnerable during the Reformation and afterwards. The wider context suggests that those houses without a significant section dedicated to papal letters in their surviving cartularies probably stored them in a separate volume, now lost.

## What was a cartulary?

Trevor Foulds notes that historians traditionally sought to ‘gut’ cartularies of the few gems that were important to them. They noted lost originals, with little or no regard for the nature, function, and history of the genre.<sup>249</sup> Foulds does not see this gutting as unacceptable, but suggests that without a context and an understanding of the genre significant things are missed. As my research does extract papal material from cartularies it is vital that this background and the individual cartularies are understood. Then the right picture can be constructed of the remaining evidence and the correct questions asked.

Davis, who represents the traditional view of the nature of general cartularies saw them as containing ‘transcripts or calendars of the entire muniments of the individual or house for which it was compiled.’<sup>250</sup> A better description would be that a cartulary is a collection of charters, title-deeds and like documents belonging to the owner. Indeed ‘a cartulary cannot be a cartulary unless it contains transcripts of *cartae* and the *cartae* must predominate almost to the exclusion of all other material.’<sup>251</sup> The most common type of cartulary is the general cartulary. The method of arranging material, as well as the reasons for selecting it varied widely. Sometimes it is clear that material was recorded in an order related to that in which the material was kept. Sawley abbey arranged its

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<sup>249</sup> Foulds, “Cartularies”, 4

<sup>250</sup> Davis, *Medieval Cartularies*, xii

<sup>251</sup> Foulds, “Cartularies”, 7. Foulds requires that cartularies contain title-deeds. I disagree and prefer to think of them as books of charters. Thus Foulds does not consider special cartularies to be cartularies at all. He distinguishes between cartularies and registers. Foulds, “Cartularies”, 6



cartulary by press-marks, in twelve *casae cartarum*.<sup>252</sup> On other occasions material was arranged topographically; in others by subject matter or type of document. Foundation, royal, papal and Episcopal privileges, and sometimes other material, for example that relating to churches or tithes were often placed in specific sections.<sup>253</sup> Cartularies could be arranged by donors. Occasionally they were ordered chronologically. Often the arrangement mixed various methods. The general pattern that monastic cartularies followed, including the Cistercian ones, was a topographical arrangement, with specific sections for special documents, either at the beginning or the end of the manuscript.<sup>254</sup> Special cartularies were also used to supplement general cartularies to make the material easier to manage. They contained particular categories of muniments and could be devoted to royal, papal or Episcopal privileges.<sup>255</sup> The great Cistercian example of this is the Fountains cartulary, which had a five volume topographical general cartulary and a special cartulary dealing with royal and papal privileges.

Davis was wrong when he suggested that cartularies contained the entire muniments of a given institution. Compilers could and did deliberately choose to omit material which was contained in the archives of their house.<sup>256</sup> 'Rather than being a witness to the state of a church's archives at the time of compilation, each cartulary should therefore be seen

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<sup>252</sup> D. Walker, "The Organization of Material in Medieval Cartularies," in The Study of Medieval Records, Essays in Honour of Kathleen Major, ed. D. A. Bullough and R. L. Storey (Oxford: Oxford University Press, 1971), 140 and The Cartulary of the Cistercian Abbey of St. Mary of Sallay in Craven, ed. J. McNulty, vol. 1 (Leeds: Yorkshire Archaeological Society Records Series, 87, 1933), ii

<sup>253</sup> Davis, Medieval Cartularies, xii

<sup>254</sup> Walker, "Organization", 135 and Davis, Medieval Cartularies, xii

<sup>255</sup> Foulds, "Cartularies", 15

<sup>256</sup> J.-P. Genet, "Cartulaires, registres et histoire: l'exemple anglais," in le metier d'historien au moyen âge, ed. B. Guenée (Paris : Université de Paris I Panthéon-Sorbonne, 1977), 100. C. B. Bouchard, "Monastic Cartularies: Organizing Eternity," in Charters, Cartularies and Archive: The preservation and transmission of documents in the medieval west, ed. A. J. Kosto and A. Winroth (Toronto: Pontifical Institute of Medieval Studies, 2002), 25.

as “the result of a process of neglect, selection, transformation and suppression”, which could involve the reworking and editing in a variety of ways (summarizing or shortening, stylistic alteration or amplification, and in some cases even interpolation or falsification).<sup>257</sup> Nevertheless Foulds does believe that general cartularies do contain the vast majority of the appropriate records.<sup>258</sup> Sometimes the reason for omission is clear, for example the author felt that particular material lacked relevance, but often the rationale is difficult if not impossible to discern.<sup>259</sup> The compiler may have passed over specific types of charters or may have been selective in the quantity of another kind. The reason for the exclusion of material and indeed the inclusion of other documents is often strongly linked with the purpose which the author had when he compiled his cartulary.<sup>260</sup>

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<sup>257</sup> G. Declercq, “Originals and Cartularies: the organization of archival memory (ninth-eleventh centuries),” in Charters and the Use of the Written word in Medieval Society, ed. Karl Heidecker (Turnhout: Brepols, 2000), 149

<sup>258</sup> Foulds, “Cartularies”, 8

<sup>259</sup> Byland Cartulary, ed. Burton, xlii

<sup>260</sup> Geary notes a cartulary which only contained material relating to the lands that had been lost by the house. It is not clear whether this was done with a view to trying to reclaim the land or simply to preserve a record that the monastery once held those lands. P. Geary, “Entre Gestion et *Gesta*,” in Les Cartulaires, ed. O. Guyotjeannin, L. Morelle and M. Parisse (Paris: École des chartes, 1993), 17

## Purpose of Cartularies

At the core of the assault on the traditional view of the cartularies has been the stress on the wide variety of reasons for compilation. This development was led by scholars such as Patrick Geary. He stressed the cultural value of cartularies and their role in constructing memory.<sup>261</sup> Sometimes the reason for the compilation of the cartulary is made clear. One Bury register records it was drawn up because of loss due to theft of some of the abbey's registers and muniments in the riots of 1327.<sup>262</sup> This is unusual. The purpose or intent of the author of a cartulary is often revealed by the structure of their volume. This has not always been realised. Modern editors often reordered material and added other 'relevant' charters. They sought to put together a complete catalogue of the records of a particular house rather than to examine the cartulary on its own terms. In order to have a better understanding of the material certain questions should be asked: did the cartulary have a cultural function? Who composed it? What skills does the author demonstrate? Was he a historian or a lawyer, a bit of both or just a simple scribe?<sup>263</sup> It will not always be possible to answer these questions and conclusions will often need to be cautious.

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<sup>261</sup> Geary, *Phantoms*. Geary, "Entre Gestion", 13-4

<sup>262</sup> *The calendar of abbot Samson of Bury St. Edmunds and related documents*, ed. R. H. C. Davis (London: Camden Third Series, 84, 1954), xlix

<sup>263</sup> Genet, "Cartulaires", 95. Genet discusses some of the skills an author of a cartulary may have had. It must not be forgotten that the compiler could be a scribe with little or no archive sense. Genet, "Cartulaires," 128. An example of the compiler simply being a scribe with no archive sense seems to be BL, Additional 14847, a cartulary for Bury St. Edmunds. The manuscript starts with a transcription of fifty-four papal bulls, which lacks any clear pattern. The bulls are not arranged in chronological order. While all the letters to each pope are together, the popes are not in date order and neither are the letters to each pope. After the papal bulls no clear pattern emerges. Royal charters are not in one place. Geographical names are placed in the margins to aid reference however specific names can be found repeated throughout the manuscript, showing that the manuscript is not arranged topographically.

## Purpose of Cartularies: administrative and legal

The major reasons cartularies were composed was for administrative and legal purposes.<sup>264</sup> Monasteries relied upon their records to demonstrate and uphold their rights over their estates and privileges. Cartularies enabled them to collect the correct income, services and produce from those lands.<sup>265</sup> They provided a medium through which the large quantity of records of a monastic house could be systematically organised and rapidly searched making them invaluable for administration. Estate management is probably one of the key reasons for the common feature of topographical organisation within cartularies, with material divided into sections relating to counties, estates, parishes, fields or tenements.<sup>266</sup>

The date when cartulary production grew dramatically is a significant factor in demonstrating the usual primacy of this purpose.<sup>267</sup> Taking the material that has survived Genet shows that the peak in production of English Cistercian cartularies and registers was the thirteenth century and that material has survived in comparative, though

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<sup>264</sup> Geary, *Phantoms*, 87

<sup>265</sup> Davis mentions this use in a cellarer's cartulary for Bury St. Edmunds. Davis describes it as 'the sort of record that one would expect a rent-collector to keep.' *Calendar of abbot Samson*, ed. Davis, xlix. It can also be seen in the Meaux register, which contains a large feodary of rents and services from free tenants in folios 134 to 200 of BL, Cotton Vit. C vi.

<sup>266</sup> J-P. Genet, "Cartulaires anglais du Moyen Âge," in *Les Cartulaires*, ed. Guyotjeannin, Morelle and Parisse, 352. Walker, "Organization", 134. It must be remembered that this was not the case with every cartulary nor was it the case at all times in the history of the production of cartularies. Some cartularies included fiscal and administrative documents, others did not. Some charters gave significant descriptions of lands, others did not. P. Geary, "Entre Gestion," 14. That charters could be precise see Sayers, *Papal Government*, 109.

<sup>267</sup> A major difficulty with trying to chart the extent of cartulary production comes when one remembers the destruction of material noted in the previous chapter, which took place during the Reformation and afterwards.

declining proportions for the following two centuries.<sup>268</sup> It was at the start of the thirteenth century that the need for written records had become vital. While chronicles and annals could include charters for a historical or commemorative purpose, the need for organized records became paramount then.<sup>269</sup> An example of the development of administration and the tremendous energy which took place in the thirteenth century can be seen at Beaulieu, where the accounts give details for every officer and servant, as well as every manor and barn.<sup>270</sup> Another significant marker that suggests a legal or administrative role is the presence of internal reference aids, such as tables of contents and topical indexes. Cartularies would not have been easy to manage without these and would have been very hard to use rapidly,<sup>271</sup> which would have been required for these sorts of tasks. These reference aids can be seen in the Newenham cartulary,<sup>272</sup> Meaux<sup>273</sup> and in the Fountains cartulary.<sup>274</sup>

Geary argues that the purpose of the cartulary of Mondsee was to aid the internal management of the monastery. He suggests that the lack of witness lists in this cartulary

<sup>268</sup> Genet, "Cartulaires anglais," 348. This pattern is contrasted with the general picture of survival which saw a rise in the fourteenth and fifteenth centuries. Genet, "Cartulaires anglais," 350.

<sup>269</sup> This is not to discount the role of cartularies as history or for commemorative purposes. Genet, "Cartulaires anglais," 351

<sup>270</sup> Genet, "Cartulaires anglais," 350

<sup>271</sup> Genet, "Cartulaires," 96

<sup>272</sup> Oxford Bodl Top Devon d. 5, f. ii v- iv v. The preface to the Newenham cartulary gives a guide to how to search its contents. 'Quedam declaratio ad inveniendum ea que queruntur. Presens opusculum inspiciens agnoscat ipsius opificem quasdam fundatorum cartas donationes privilegia bullas quietas clamancias et ceteras diversas informationes valde necessarias huic domui de Nyweham que sparsim ab invicem locis diversis inveniebantur (sic ms for inveniebantur) ad utilitatem maximam domus in unum compilasse volumen et seriatim constripsisse, per quod liquere poterit evidenter que et quanta contulerint Christi fideles huic pauperime abbathie pro quibus ferventer perpetuo est orandum. Et ut facilius reperiri poterit quod queritur inspicatur primo repertorium immediate subsequens in quo omnia predicta munimenta (sic for munimenta) tanguntur et connotantur per numerum algorismi. Postmodum vero fiat collatio eiusdem numeri ad numerum in fine superioris marginis cuiuslibet folii istuis operis connotati et hoc quod quiritur cito inveniatur.' Oxford Bodl Top Devon d. 5, f. ii

<sup>273</sup> BL, Lansdowne 424, f. 1-4v

<sup>274</sup> Oxford, University College MS 167, f. 46v-59v

implies this rather than that the cartulary was used to prove possession rights.<sup>275</sup> This only stands up if the originals had been lost. If the cartulary was designed to operate as a rapid reference device or as a second copy which was both portable and relatively expendable then this argument falls down. While the cartularies capacity to act as a stand alone legal document would be reduced one can see how it could be used. When a dispute arose an individual could take the cartulary along to the opposing party, show them that the monastery had the relevant charter, and explain that should the case come to court the original could be produced. This would save time in having to find the relevant document and it would also protect the original from damage or loss while it was outside of the archive. This appears to have been the use of three Holm Cultram cartularies,<sup>276</sup> which usually exclude the dating clauses from papal letters. These volumes were small and portable. Foulds points to the cartularies of Llanthony and Dover, which were used as muniment catalogues and retrieval devices.<sup>277</sup> They would allow an individual to use the cartulary to find the original quickly if necessary. According to the author of Thomas of Hotot's register it contained, 'all the charters and final concords and exchanges wherever they were made and the acquisitions' of the family, and was produced 'to provide evidence without sight of the original charters for all lawsuits that arise or for all unjust

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<sup>275</sup> Geary, "Entre Gestion," 20. Bouchard deploys a similar argument regarding the lack of dating clauses or a failure to accurately record them, as well as referring to the fact that compilers often left off witness lists. She claims that the purpose was not defence but commemorative. Bouchard, "Monastic Cartularies", 29. As I shall argue later cartularies played a significant role in the memory of a religious house. The error here is not this but the idea that one necessarily excludes the other. As with Geary so with Bouchard the argument takes a significant hit if the originals did survive and could be referred to if needed. Then not including dating clauses and witness lists is simply a practice to save both space and writing time. It should be remembered that once a significant time had elapsed the witnesses would have died and so the value of the witness lists would have reduced over time and so the need to include that information lessened with time.

<sup>276</sup> BL Harley 3891, BL Harley 3911 and Carlisle Record Office, Holm Cultram Cartulary

<sup>277</sup> Foulds, "Cartularies", 21

demands.’<sup>278</sup> The volume was used for rapid legal reference and may have been used as evidence. Two qualifications are necessary. Not all the charters were included. The specific administrative purpose would have led to the exclusion of certain records. Not all the records relating to rights over a particular property would necessarily be present. Where property was lost or sold records might not be kept, but there is no hard and fast rule.<sup>279</sup> When new property was acquired or old lands lost the usefulness of the administrative function of a cartulary was reduced dramatically,<sup>280</sup> unless, as often happened, later hands made additions to the original text. The alternative to additions by a later hand would be the production of a new cartulary. This may well be what happened in the case of Holm Cultram, where three cartularies were produced within a relatively short space of time.

Lavoie notes that cartularies were used for legal purposes. He points to the inclusion of the records of successful title defences, stating that these documents were included within cartularies because they provided a precedent that would strengthen the institution’s claim in any future suit.<sup>281</sup> The internal details of the cartulary of Fulda, its ornamentation, its organisation and its contents all point to the conclusion that its purpose was to maintain the monastery’s land rights.<sup>282</sup> Foulds argues that cartularies could be used in courts as legal evidence. He has evidence for this after the Reformation and his reference to the register of Thomas of Hotot suggests that this may have happened before

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<sup>278</sup> Foulds, “Cartularies”, 26

<sup>279</sup> R. V. Lavoie, “English Monasteries’ Techniques for Avoiding Property Disputes, 1250-1380,” *Comitatus: A Journal of Medieval and Renaissance Studies*, 23 (1992), 47-8

<sup>280</sup> Genet, “Cartulaires,” 96

<sup>281</sup> Lavoie, “English Monasteries’ Techniques,” 48

<sup>282</sup> Geary, “Entre Gestion,” 20

then. He argues that this would have been a secondary role, which would only come into effect should an original be lost.<sup>283</sup> This was not unthinkable. We saw in the previous chapter a nunnery borrowing and then losing a papal letter. Lesley Smith highlights the dangers that medieval books faced, referring to a manuscript of Augustine which was eaten by a bear.<sup>284</sup> Rodents and damp would have proved a more common threat. There is no reason to suppose that cartulary compilers could not be forward thinking enough to envisage that their manuscript might be used in the eventuality of the loss of an original.<sup>285</sup>

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<sup>283</sup> Foulds, "Cartularies", 31-3. The chronicle of Meaux records an instance where the monastery wished the Papacy to confirm the appropriation of two churches. The curia asked to see the appropriation documents before it would grant a confirmation. The monk returned to Meaux and was given copies certified by the official of the archbishop of York as the community did not wish to risk the loss of the original documents on this journey. There was a further problem however as Edward III had styled himself 'rex Anglie et Francie', which offended the pope. When the problem was resolved the monk was ordered to return to Meaux and bring the original documents because the certified copies were held inadmissible. *Chronicon monasterii de Melsa*, ed. E. A. Bond, vol. 3 (London: Rolls Series, 43, 1868), 186-91

<sup>284</sup> L. Smith, "Lending books", 266

<sup>285</sup> Bouchard's argument that cartularies would have been intended to be used as legal proof is flawed. She rightly notes that the original would have been trusted more than a copy and also mentions that the existence of the copy means that the original must have been in the possession of the house. This fails to take into account the potential loss of the original, the desire to protect it by using it less (because the copy would be used) and the use of a cartulary as a rapid reference legal tool, from which the original can be referred back to. Bouchard, "Monastic Cartularies," 25. Later she suggests that cartularies fairly rapidly came to replace the originals, even being used as proof of legitimacy, which she says explains why monasteries were less concerned with the preservation of the originals. Bouchard, "Monastic Cartularies," 31-2. It strikes me as impossible to gauge the reduction in desire to preserve originals when the loss of material all over Europe due to major events outside of the monasteries' control is considered. Her comment that cartularies quickly became a substitute for the originals weakens the argument that this was not a major factor in the purpose of the cartularies. First because if they acquired this purpose it may well be the case that they were originally intended to do this. This is not certain but it is at least possible. Second this comment relies upon cartulary production happening at the same time. If the purpose evolved to use cartularies as legal evidence then surely cartularies produced after this evolution had occurred would have produced new ones with this as part of the specific intent. It is also worth noting that Thomas Burton, the abbot and compiler of the register and chronicle of Meaux notes at the start of his chronicle that he 'collected together several ancient schedules and neglected parchments, some of which I found exposed to the rain; others set aside to be burned.' In Orange, "Meaux Cartulary", viii from *Meaux Chronicle*, ed. Bond, vol.1, 71



### **Purpose of Cartularies: Didactic**

Another major reason for the production of cartularies was the instruction of those within the community, both then and in the future. They would communicate knowledge of the landed possessions of the house and the privileges that they enjoyed. Foulds has talked about cartularies acting like photocopies in modern palaeography classes. In as far as they reproduced the original muniments they could be used as a relatively expendable copy, which could be handled by many 'students', without danger of damaging the precious originals. They would also have the advantage of placing a large quantity of material together, in a more easily searchable format. Cartularies would have been excellent for those who needed to consult the material for learning but did not require direct access.<sup>286</sup>

That this was what actually happened is suggested by the well thumbed nature of cartularies, as well as the presence of many marginal notes spread over the centuries.<sup>287</sup>

The didactic purpose of cartularies might act to warn readers of the vulnerability of their position and exhort them to vigilance. This warning can be seen in a Ramsey abbey cartulary<sup>288</sup> and in the writing of Hemming, a monk of Worcester, who described the purpose of his cartulary as follows:

‘I, Hemming, monk and priest have composed this little book concerning the possessions of this our monastery, so that it may be clear to our posterity which and how many possessions in land pertain to the endowment of this monastery for the sustenance of the

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<sup>286</sup> Foulds, “Cartularies”, 31. This simply shows regular use and could also be pointed at to demonstrate legal and administrative uses.

<sup>287</sup> Bouchard, “Monastic Cartularies,” 29. Examples of cartularies that bear marks of heavy use are the Thurgarton cartulary (Foulds, “Cartularies”, 25n60) and a thirteenth-century cellarer’s cartulary for Bury St. Edmunds which ‘bears all the marks of having been in daily use.’ Walker, “Organization”, 144

<sup>288</sup> Foulds, “Cartularies”, 22-3

monks, the servants of God; or rather which [possessions] ought by right [to be ours], although we have been unjustly dispossessed of them by force and fraud.’<sup>289</sup>

As well as operating as a warning cartularies could also work to teach or enforce the identity of the community, either of the individual house or of the wider Order of which the house was a part.<sup>290</sup> Janet Burton has argued that it was a common feature of Cistercian cartularies to open with papal letters and this was intended to stress Cistercian identity.<sup>291</sup> Thus a cartulary would have a function somewhat similar to a history of the house or its foundation, fostering a greater sense of identification with the institution and one’s part in its continuing history. This purpose can be seen in the example of Byland where the first item is the foundation history of the abbey and then the papal letters, first to the abbey and then to the entire Order. The cartulary seems to have set out to foster a sense of identity that was both particular to Byland and clearly Cistercian.<sup>292</sup> It is the same with the Newenham cartulary which opens with papal material and then contains a great deal of material specifically related to the foundation of that house, be that a short account of the foundation or a collection of charters specifically related to that event.<sup>293</sup> The desire to foster a sense of Cistercian identity may explain the existence of an additional fifteenth-century quire in the cartulary of Marham nunnery.<sup>294</sup> The quire contains eighteen papal letters relevant to English Cistercians, including a letter specifically addressed to Rievaulx and another concerning Sibton. The rest are related

<sup>289</sup> M. T. Clanchy, *From Memory to Written Record: England 1066-1307* (London: Blackwells, 1993), 101

<sup>290</sup> Genet, “Cartulaires,” 101

<sup>291</sup> *Byland Cartulary*, ed. Burton, xxxii-iii

<sup>292</sup> *Byland Cartulary*, ed. Burton, xxxiii

<sup>293</sup> Oxford Bodl Top Devon d. 5, f. 16-27. That this was common is asserted by Genet. Genet, “Cartulaires anglais,” 352

<sup>294</sup> Genet, “Cartulaires,” 101-2. As with the cases of Byland and Newenham Marham also opens with material specifically related to the foundation of the house as well as papal material.

either to the English Cistercians or the whole Order.<sup>295</sup> Foulds goes too far in limiting the form of identity cultivated by cartularies. They certainly could encourage identity in a wider sense than simply that of the house as a landholding institution.<sup>296</sup>

Where the material that was included focussed upon the foundation of the house or the acquisition of new land another related function would have been the commemoration of the founders and those who donated land to support the community financially; this would explain the existence of noble family trees in amongst such documents, for example in Newenham cartulary.<sup>297</sup> Cartularies could also be organised by donors rather than by geographical locations,<sup>298</sup> which demonstrates the commemorative intent of the author, who thus created a community of donors to be remembered. This role can be seen in the preface to the Stoneleigh Leiger book which states that one of the reasons that the charters have been recorded is ‘ut detur legentibus materia veteranorum nobilium acta perspicua considerandi et pro dicte ecclesie benefactoribus devocius exorandi.’<sup>299</sup> Thus the author’s purpose would directly impact upon the arrangement and content of the cartulary.<sup>300</sup>

Cartularies could operate to record the history of the house. A sharp distinction between the historian and the writer of a cartulary cannot be made, anymore than one would want

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<sup>295</sup> Norwich, Norfolk Record Office, Hare of Stow Bardolph MS 1, 232 x, f. 1-7v

<sup>296</sup> Foulds, “Cartularies”, 11

<sup>297</sup> Oxford Bodl Top Devon d. 5, f. 16v-18

<sup>298</sup> Genet, “Cartulaires anglais,” 352. This can be seen in the cartulary of Rievaulx. Jamroziak, Rievaulx Abbey, 23

<sup>299</sup> The Stoneleigh Leiger Book, ed. R. H. Hilton (Oxford: Oxford University Press for Dugdale Society, 24, 1960), 1-2

<sup>300</sup> Geary has noted this regarding the early history of cartularies. Geary, “Entre Gestion,” 16

to distinguish the historian from the editor of a historical document today.<sup>301</sup> Thomas Burton is a case in point. Burton wrote both a chronicle of Meaux and a cartulary.<sup>302</sup> Geary notes aristocratic families' intentionally altering material to create a desirable account of the past.<sup>303</sup> This desire to write a cartulary to defend one's actions and leave a positive mark on history can be seen in the Cistercian cartulary of Stoneleigh. The author, a former abbot, Thomas Pype, sought to erase the record of his corrupt management. He had alienated lands, giving some to his mistress and his bastard son. His cartulary sought to spin the historical record in his favour by excluding certain material and giving an innocent interpretation to others.<sup>304</sup> Once this is realised Churchill's famous comment to Roosevelt and Stalin is relevant. Churchill commented that 'History will judge us kindly' which he explained was 'because I shall write the history.'<sup>305</sup>

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<sup>301</sup> Genet, "Cartulaires," 111 and Genet, "Cartulaires," 129

<sup>302</sup> Meaux Chronicle, ed. Bond, and BL, Cotton Vit. C. vi.

<sup>303</sup> Geary, Phantoms

<sup>304</sup> Foulds, "Cartularies", 24-6

<sup>305</sup> [http://www.bbc.co.uk/history/worldwars/wwtwo/churchill\\_gathering\\_storm\\_01.shtml](http://www.bbc.co.uk/history/worldwars/wwtwo/churchill_gathering_storm_01.shtml)

## **Purpose of Cartularies: Conclusions**

This section does not seek to show the universal purpose of cartularies as a genre. There was no fixed purpose for all cartularies or even of all Cistercian cartularies. I have demonstrated that many different reasons existed to compose a cartulary. Sometimes multiple factors led to a volume being produced, sometimes a single aim. Generally one does see an administrative, legal, commemorative and historical purpose at work in most cartularies, although these factors did not have equal weight in the compiler's mind. In some cases a multiplicity of reasons will be apparent, in others a primary purpose will dominate. This said, if Genet is to be believed, and I think the evidence strongly suggests that he should be, the arrangement of three quarters of English cartularies favours the claim they were made with management in mind, while only a quarter suggest the primary reason was history and commemoration.<sup>306</sup>

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<sup>306</sup> Genet, "Cartulaires anglais," 352

### **Cistercian Cartularies: Those with significant papal letters survival**

Having set out the nature of cartularies we are now ready to look at specific Cistercian examples. The aim of the following sections is to argue that the possession of a significant papal letter collection was normal and not unusual. First we shall examine the cartularies which contain significant papal letter collections, that is Furness, Meaux, Sibton, Vale Royal, Newenham, Marham<sup>307</sup> and Fountains.<sup>308</sup> Manuscript descriptions of the relevant volumes will follow and brief comments will place them in the context of the first section of this chapter. Reasons for contents of the collections which do survive will be considered, looking at their structure and the sorts of material which they contain. The discussion of cartularies which contain papal letters will peak with the material which survives for Fountains abbey. Next a sample of cartularies which do not contain sections of papal letters will be discussed. Considering the structure of these volumes it will be argued that those abbeys would almost certainly have held volumes similar to the one which survives for Fountains, but that these have been destroyed since the Reformation.

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<sup>307</sup> Marham will not be discussed here as it is an additional quire added to the nunnery's cartulary.

<sup>308</sup> Walbran did not note the collections in Newenham or Marham. He did note a significant collection for Beaulieu. There is no reference to this in any other work that I am aware of. No such collection was used by Holtzmann, Davis or Dugdale. Neither is it known to those working on the English Monastic Archives project. Davis noted that the Foyles Garendon cartulary included papal letters, however this was an error and he meant to write Episcopal.

## Byland Abbey

We shall begin by considering Byland abbey and its cartulary.<sup>309</sup> The reason for doing this is that the original contained a collection, now missing. The Byland cartulary, BL, Egerton 2823, has been dated between 1399 and 1413, probably before 1403.<sup>310</sup> There were originally 243 folios in the manuscript, although the first 73 and last 25 folios, as well as several others, have since been lost.<sup>311</sup> We know this material was present after the Reformation because it was partially copied and summarised by Roger Dodsworth in the 1640s and a more extensive summary come catalogue was composed by Peter le Neve in 1702. Dodsworth's manuscript, Oxford, Bodleian, Dodsworth 63, which gives the original folio references and le Neve's, Oxford, Bodleian, Top. Yorks. d. 11, allowed Janet Burton to reconstruct the organisation of the cartulary in an impressive study and edition.<sup>312</sup> Here is a brief summary of the contents:

f. 1-9	Unclear (perhaps a table of contents ?)
f. 10-18	Foundation history
f. 19-34	Papal bulls to Byland
f. 34-52	Papal bulls to whole Order
f. 60-2	Particular charters pertaining to the abbey
f. 63	Abbey boundaries
f. 63-243	Alphabetical topographically arranged charters. <sup>313</sup>

<sup>309</sup> Here the task is facilitated by the model edition of Janet Burton.

<sup>310</sup> *Byland Cartulary*, ed. Burton, xxvii

<sup>311</sup> *Byland Cartulary*, ed. Burton, xxvi

<sup>312</sup> *Byland Cartulary*, ed. Burton, xxviii

<sup>313</sup> *Byland Cartulary*, ed. Burton, xxviii-xxxii. The heading for f. 63-243 is generally correct, but there are exceptions to this. *Byland Cartulary*, ed. Burton, xxxii-iii

As has already been noted the author of the Byland cartulary clearly sought to promote a specific identity by the way that he composed his work. Royal material and even that of major patrons was not prominently positioned. Instead, probably after a table of contents to aid rapid reference and administrative uses, the cartulary began the foundation history of Byland and Jervaulx, her daughter house. Immediately the history of the house was stressed. Next came sections for papal letters to Byland specifically and then to the whole Order affirming the Cistercian identity of the community.<sup>314</sup> For the purposes of this chapter we are aware that we would have almost no information at all about the presence of papal letters if it was not for a sixteenth- and a seventeenth-century antiquary. Due particularly to Le Neve, we have some record, albeit brief and incomplete of the papal letter collection at Byland. The Dodsworth manuscript reads ‘here followe sundry bulls of privileges graunted unto Bellaland, fol. 19, 20 etc, of which it is consyderable whither any of them are necessaire to be inserted here.’<sup>315</sup> Folios 57 to 75 are missing, with the next folio being 58 with the number 76 crossed out. Le Neve’s manuscript refers to thirty four privileges to Byland including the first seven which are referred to as ‘septem magna privilegia.’<sup>316</sup> From a reference to ‘alia bulla innocentii fol. 26, 27’<sup>317</sup> it appears that not all the letters to Byland were referred to here. The manuscript gives a brief summary of the thirty four letters, in which material relating to exemption from paying tithes dominates. A couple of letters deal with the appropriation of churches.<sup>318</sup> On fourteen occasions a summary of a papal letter mentions a number. This number was probably a

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<sup>314</sup> *Byland Cartulary*, ed. Burton, xxxiii

<sup>315</sup> Oxford Dodsworth 63, fol. 56

<sup>316</sup> Oxford Bodl Top Yorks. D. 11, f. 255v

<sup>317</sup> Oxford Bodl Top Yorks. D. 11, f. 257v

<sup>318</sup> Oxford Bodl Top Yorks. D. 11, f. 257 and. 257v



reference tool, with the same number on the original letter. If this is correct then they numbered at least eighty one.<sup>319</sup> A note mentions that folios 30 to 34 contain diverse papal bulls from the abbey of Fountains, but no detail of the contents of these pages is given. Then another note reads that 'Postea sequuntur diverse bulle diversorum paparum privilegiorum concessorum omnibus abbatibus ordinis Cisterciensis in omnibus regnis, a fol. 34 ad 52.'<sup>320</sup> Again no details are given. On top of the specific section dedicated to papal letters a number of other papal letters are included within the cartulary as they relate to specific local situations, such as the appropriation of churches.<sup>321</sup> The Byland cartulary is a reminder of the fragility of medieval cartularies and the fact that they were not safe even if they survived the Reformation. The cartulary also gives an example of the prominence which one Cistercian house gave to its papal material.

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<sup>319</sup> 81 is the highest number referred to. If one assumes that all the Byland papal letters are mentioned an average number of papal letters per folio can be worked out. This gives us 102 as a total for all sections. It goes without saying that this is not accurate but it gives us a rough idea. This could also be a number referring back to the original.

<sup>320</sup> Oxford Bodl Top Yorks. D. 11, f. 258

<sup>321</sup> Byland Cartulary, ed. Burton, see nos. 110, 112, 113, 114, 595, 596, 597, 695, 884, 975, 976 and 981.

## Vale Royal

Vale Royal is a similar case to Byland. The original register was lost at some point after 1732 when it was recorded by Tanner as being at Vale Royal. A copy was made by Randle Holme III in 1662, now BL, Harley 2064. The volume, referred to as the ledger-book, was probably begun during the abbacy of the fifth abbot, Peter, around 1338. It appears that the volume was divided into three parts, first a history of the abbots, then there is a record of various ‘disputes, revenues, and other matters touching the possessions and rights of the abbey.’<sup>322</sup> Finally there is a collection of thirty-one papal letters to the Cistercian Order. The account of the history of the abbey under the first four abbots is an account of the foundation of the monastery and of the house moving from its first location to a second. It mentions various donations to the church including such relics as a ‘sacred portion of the Holy Cross.’<sup>323</sup> This material seems in place to aid the prayers of those who read the volume. The deeds of donors are mentioned as are the masses that are to be said for individuals.<sup>324</sup> The account of the granting of the church of Kirkham to the monastery includes the name of the knight who obtained the papal confirmation of the appropriation and continues

‘that the memory of the said knight should be specially preserved and cared for in the said monastery forever. And for that reason the deeds of that knight are recorded here, that thereby those who shall come in the monastery may be induced to pray without

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<sup>322</sup> *The Ledger-Book of Vale Royal Abbey*, ed. J. Brownbill (Manchester: Publications of the Lancashire and Cheshire Record Society, 68, 1914), vi

<sup>323</sup> *The Ledger-Book of Vale Royal*, ed. Brownbill, 9

<sup>324</sup> *The Ledger-Book of Vale Royal*, ed. Brownbill, 10

ceasing that he may receive an eternal reward in heaven for all his labour here on earth.<sup>325</sup>

Here we see clearly one of the purposes of the register. As well as providing a history for the instruction of members of the community, material is provided that the monks could pray for those who supported the monastery in various ways. An account of the lives of the first four abbots is given and so that monks who came after might learn from them and attain eternal joy.<sup>326</sup> This commemorative purpose can be seen clearly in the preface to the volume, which explains that it records

‘the pleas and quarrels that were set on foot in the times of divers abbots concerning the manors and churches granted to the aforesaid abbey, from the time of the foundation thereof, which all appear separately and plainly in the margin of this present book. For instance, if there were any disturbance about the manor of Dernehale, whatever was done will be found under that title. In like sort the arrangement followed will make matters clear with regard to all the other manors and churches.’<sup>327</sup>

The register must also have been recorded to aid administration, as it records details of rent and tithe payments that should be collected, and as an aid should disputes arise over territories. Very few charters are present. Significantly the manuscript does not include a foundation charter.<sup>328</sup> Moreover it does not include specific charters such as the

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<sup>325</sup> *The Ledger-Book of Vale Royal*, ed. Brownbill, 11

<sup>326</sup> *The Ledger-Book of Vale Royal*, ed. Brownbill, 13

<sup>327</sup> *The Ledger-Book of Vale Royal*, ed. Brownbill, 1-2

<sup>328</sup> This is why I have referred to it as a register rather than a cartulary.

appropriation granting Kirkham church, even though this is referred to in the text.<sup>329</sup>

Neither royal nor papal charters specifically relating to the monastery have been included, possibly because these were recorded in a cartulary which has since been lost.

The thirty-one papal letters which are recorded are roughly arranged by pope in chronological order. Four letters towards the end do not fit this organisation. One striking feature of this collection of papal letters to Cistercians is the inclusion of three letters with the incipit 'Sacrosancta romana ecclesia' from Eugenius III, Anastasius IV and Alexander III. These letters confirmed the Carta Caritatis and the customs of the Order.<sup>330</sup>

No other copies of these letters survive in England except in University College Oxford MS 167. The overwhelming majority of the papal letters that are recorded here deal with the interaction of external religious bodies with Cistercian houses, particularly bishops, legates and other Cistercian houses. Material is included which deals with their protection from interdict and excommunication,<sup>331</sup> the fact that they could not be compelled to come to synods<sup>332</sup> and the discipline of the Cistercian Order on its houses.<sup>333</sup> Only six letters are included which refer to tithes, which is in marked contrast to the material recorded in the Byland cartulary, where that sort of material was substantial. The Vale Royal collection is also the only one which has no papal letters specifically addressed to the individual house.

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<sup>329</sup> *The Ledger-Book of Vale Royal*, ed. Brownbill, 11

<sup>330</sup> BL, Harley 2064, f. 47-50

<sup>331</sup> BL, Harley 2064, f. 50, 51, 52, 55v

<sup>332</sup> BL, Harley 2064, f. 56

<sup>333</sup> BL, Harley 2064, f. 52v

## Newenham

One cartulary survives for Newenham. This was written in the fourteenth century, Davis dating it to around 1347.<sup>334</sup> This manuscript is Oxford Bodley Top Devon d. 5. After the preface the cartulary has an index on folios ii to iv. It breaks material down into five sections. First there is a section of miscellaneous material including two papal letters. This material is not included in the index which begins with the section of papal material. The second section is a collection of twenty papal letters, folios 7 to 15. Then there is a section relating to the foundation of the house, on folios 15v to 27. The third major section comprises of the topographical breakdown of material, subdivided into fourteen sections, folios 27 to 104v. Finally the manuscript ends with miscellaneous historical material on folios 104v to 120.

The section I have referred to as regarding the foundation of the house is titled in the index with the subheading Axeminster. It begins with a charter of King John making Axeminster a market town, folio 15v. This is then followed by a grant by King John confirming lands there to William Brewer, folio 16. His family tree then follows on folios 16v to 18. One of that family, Reginald then founded the monastery around 1240 and the foundation charter is included, folio 18. That was then confirmed by royal charter, folio 19. Two more charters from Reginald are included, folios 19 and 19v, as well as another royal confirmation, folio 20. This is followed by a papal confirmation of this foundation, folios 20v to 22. Three other papal letters then follow which specifically relate to Newenham, folios 22 to 23v. This is followed by an account of the foundation of the

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<sup>334</sup> Davis, Medieval Cartularies, no. 686

abbey, including the choosing of monks from Beaulieu to go to Newenham and the laying of the first stone in the church, folios 23v to 25. Then there is another charter of Reginald, folio 25v, followed by an account of his death, folio 26. The section ends with a charter from John, a descendant of Reginald, and its confirmation by King Edward, both on folio 27. The fifth section, which is comprised of miscellaneous historical material includes a section of the deeds of the kings of England, a list of the kings of England, folio 110, a list of the bishops of Exeter, folio 110, as well as a list of both the abbots of Beaulieu and Newenham, on folios 111 and 111v respectively. At the end of the manuscript there is a filiation table for the Cistercian Order, on folios 120 to 120v. There is also a section of astronomical information, including such information as the circumference of the Earth and the distance between various planets.<sup>335</sup>

This information together shows the desire of the compiler to teach those who would come after him. The history of the foundation of the house is prominent, as is the information about the family that founded the house. Details about the founder's death, including details that the author saw the body, that it had not decomposed, that it had a fragrant odour and that he touched it,<sup>336</sup> were included to aid devotion and prayer as the preface to the cartulary states. One reason given for the compilation of the volume was that the reader could clearly see how much the faithful had done for the house. This would aid them in their task of praying fervently forever for them.<sup>337</sup>

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<sup>335</sup> J. Davidson, *The History of Newenham Abbey in the County of Devon* (London: Longman, 1843), 138-9

<sup>336</sup> Davidson, *The History of Newenham Abbey*, 214

<sup>337</sup> 'per quod liquere poterit evidenter que et quanta contulerint Christi fideles huic pauperime abbathie pro quibus ferventer perpetuo est orandum.' Oxford Bodley Top Devon d. 5, f. ii

The section of papal privileges includes letters to all Cistercians, to the English Cistercians, to prelates regarding Cistercians and a letter to Newenham specifically. The letter to Newenham was repeated in the section with the other papal letters specifically addressed to Newenham. The privilege section includes five letters which specifically mention tithes in the summary rubrics. A relatively broad range of material is present, including letters which forbid bishops to excommunicate monks; to permit the people living on their lands to hear divine services in the monastery's church; and to grant the monks the right to hear the confession of those people on their lands. There does not appear to be any order to the collection. Within these twenty letters one oddity is that a letter from Alexander IV, with the incipit, 'Sedes apostolica dixit' is transcribed on folio 8v and then again on folio 11. At the end of this section, in material not mentioned in the contents pages, there is a note about privileges at Ford, Beaulieu, Stratford and Stanleigh.<sup>338</sup> Then two papal letters are transcribed one for Ford and the other for Boxleigh according to the rubrics. It is clear from this that the compiler of the cartulary could have sought to include more papal letters to the Cistercian Order had he wished. It is unclear what proportion of Newenham's own collection was recorded. Given the quantity of material included for a didactic purpose it seems fair to suggest that this sample of papal privileges to the Order was present to affirm the identity of the house as fundamentally Cistercian, as with that of Byland.

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<sup>338</sup> 'Apud bellum locum est aliud privilegium et apud Stratford quodlibet omnia privilegia concessa finssent renotata ibidem recipientur indulgencie quod nobis obstante tali renocatione product privilegia in suo robore praesentiantur.' Oxford Bodley Top Devon d. 5, f. 14v

## Furness

At the Dissolution the two-volume cartulary of Furness was transported to London, and when the abbey's lands were annexed to the Duchy of Lancaster the cartulary moved to the office of the Duchy in London.<sup>339</sup> One volume remained there, until the manuscript was transported to the National Archives and the other is now BL Additional 33244.

They were written in approximately 1412 by John Stell for Abbot William Dalton. The arrangement of both is topographical. Furthermore each has a section for papal letters and a section for general charters and diverse material, which forms roughly the final third of the first volume. The royal and Episcopal charters are included throughout the volumes in the topographical sections. The first volume is prefaced by a table of contents, which is not complete.<sup>340</sup> Two significant clues help us to consider the purpose behind the author's hand. At the start of the first volume is a metrical introduction to the cartulary.<sup>341</sup> The other one lies in the arrangement of the cartulary and the additional documents that were included. The metrical introduction suggests that the cartulary served a didactic purpose and was meant to inform the readers of the history of the abbey. The verse starts by recounting when the house was founded, followed by the comment:

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<sup>339</sup> *Furness Coucher*, ed. Atkinson, vol. 1, part 3, lix-lx

<sup>340</sup> This is taken from the English Monastic Archives database.

[http://www.ucl.ac.uk/history/englishmonasticarchives/all\\_details.php?id=1600](http://www.ucl.ac.uk/history/englishmonasticarchives/all_details.php?id=1600)

<sup>341</sup> There is an introductory section to the second volume, which is recorded in *Furness Coucher*, ed. Brownbill, vol. 2, part 1, 2. This is much shorter than the first and adds nothing new for our subject, in fact repeating much of the first. This has been printed in *Furness Abbey Coucher Book*, ed. Atkinson, vol. 1, part 1, 21-23 and also in translation in S. B. Gaythorpe, "Richard Esk's metrical account of Furness Abbey", *Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society*, 53 (1954)



‘decrees of Kings and the Count aforesaid tell of things in events past which chroniclers do not relate.’<sup>342</sup>

This is immediately followed by a prayer that divine grace would be a nurse, leader and teacher so that the house would rejoice and not fall and a prayer that should anyone disturb the house God would either correct them or shorten their life. As well as teaching the history of the abbey the composer’s desire was that its records would be used by divine grace to protect the abbey’s possessions. Here then we see the connection between history and the protection of legal rights. The poem also refers to the table which allows the reader to find everything rapidly, concluding:

‘From the heading ’tis plain in what writing and leaf you later can find what you seek to learn in them.’<sup>343</sup>

The arrangement of material and the type included shows the administrative intent clearly. This is evident from the topographical arrangement. Moreover within sections there are references to the rents charged<sup>344</sup> and a section which deals with various taxes and tithes.<sup>345</sup>

The papal letter section is arranged by pope. This occupies folios 215 to 257 and contains sixty-six letters. The section is incomplete as a number of leaves have been torn out. This

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<sup>342</sup> ‘Praedicti comitis regum que rescripta docent haec gestis praeteritis quae chronographi reticent nec.’ Gaythorpe, “Richard Esk’s metrical account”, 105

<sup>343</sup> ‘Ut patet in capite quo scripto quo folioque post reperire potes quod in illis noscere quaeres.’ Gaythorpe, “Richard Esk’s metrical account”, 105

<sup>344</sup> For an example see *Furness Abbey Coucher Book*, ed. Brownbill, vol. 2, part 1, 150

<sup>345</sup> *Furness Abbey Coucher Book*, ed. Atkinson, vol. 1, part 3, 624-642

includes letters both to Furness specifically and to the Order as a whole. There is no separation between general and specific letters in contrast to the records of Byland. Following on from the section recording privileges comes material relating to churches which were appropriated to Furness. This section includes four papal letters<sup>346</sup> and a further papal letter made it into the topographical sections of the cartulary.<sup>347</sup> Again papal material, albeit a small amount, is included outside the main papal letter collection.

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<sup>346</sup> Furness Abbey Coucher Book, ed. Atkinson, vol. 1, part 3, 661-70

<sup>347</sup> Furness Abbey Coucher Book, ed. Brownbill, vol. 2, part 2, 321-3

## Meaux

Meaux has two surviving cartularies. They were written independently from each other from original material<sup>348</sup> and within a short space of time. Thomas Burton, the author of the chronicle of Meaux,<sup>349</sup> wrote the register (BL, Cotton Vit. C VI) in the early fifteenth century. He was abbot from 1396-9. He made minor additions to the cartulary (BL, Lansdowne 424). The cartulary was originally two volumes, which were joined together at a later date. The first was completed in the 1370s and the second by 1400.<sup>350</sup> Below is a summary of the contents of the cartulary:

### First Volume:

f. 1-4v	Table of contents
f. 5-31v	Papal section (docs. 1-85)
f. 32-64	Episcopal and Grimsby documents (docs. 86-131) (Grimsby are no. 119-125)
f. 65-77	Royal (docs. 131-66)

### Second Volume:

f. 78-108	Part 1: privilegia (docs. 167-175 papal and Episcopal; docs. 176-188 are royal (with exception of 186), third section are regarding appropriation of churches, chantries or the house itself, no. 189-212)
f. 109-156v	Part 2: topographical, no. 213-398 <sup>351</sup>

<sup>348</sup> Orange, "Meaux Cartulary", viii

<sup>349</sup> *Meaux Chronicle*, ed. Bond

<sup>350</sup> Orange, "Meaux Cartulary", x-xi

<sup>351</sup> Orange, "Meaux Cartulary", x-xi

In this cartulary both the royal and papal material are grouped by individual in their chronological order.<sup>352</sup> The papal material which is included within the first volume ends at 1342 with a letter from Clement VI. With one exception all the papal material in the second volume belongs after this date. The exception is an inspeximus copy of a letter that was in the first volume. The papal letters represent the types of privileges granted to the Cistercians. The cartulary excludes a letter that gave rights to deal with cases of fornication and adultery, even though the chronicle and the register both refer to it. Why this happened is unclear. As we have often seen in other Cistercian cartularies papal material takes first place in both volumes. Next in order of priority come charters from bishops and the crown. Then the topographical material follows. The presence of an index aids reference and facilitates the use of the cartulary for an administration.

The second cartulary, referred to here as the register, has a much wider range of material. It demonstrates that a plurality of purposes could be present within one volume.

f. 1-1v	Title page.
f. 2-46v	Grants arranged topographically.
f. 47-50v	List of donations from nobles. This includes comment on what was agreed that the monks would do, ie. Masses to be said etc.
50v-51v	Royal and papal confirmations to Meaux briefly summarised.

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<sup>352</sup> Orange, "Meaux Cartulary", xx and xxxii

f. 52-57v	Material regarding appropriated churches
f. 58-102	Digest of extracts from papal grants (often more than one from each) to Cistercians generally and Meaux in particular under thirteen headings, with an index on folio 99-101v.
f. 103-5	Account of the development of tithe privileges.
f. 105-118	Account of acquisition of various properties.
118-20	Material regarding the hospitals of St. Peter and St. Leonard
121-33	Royal grants to Meaux summarised.
134-200	Feodary of rents and services from free tenants.
201-216v	Rental
217-217v	Glebe tenants of four appropriated churches
218-218v	Leases of churches, granges with totals of profits of leases.
219-229v	Measurement of properties in arable, pasture and meadow with the circuits of some granges and a note on land value.
230-230v	Value of lands
231-231v	Note of properties leased and of properties in Meaux's hands
232	Totals of extents of Skipsea, Easington, Keyingham and Nafferton
232v-233	Tables of contribution made by Yorkshire Cistercians to Cîteaux.
234-234v	List of monks and servants

235-235v	Stock on granges.
236-240	Lists of plate, vestments, furniture etc.
241v-245	Catalogue of the Library
246v-248	Additional notes on Keyingham, Cleeton and Octon. <sup>353</sup>

There is a strong didactic and commemorative purpose to the cartulary, which the list of donors and what was agreed for their remembrance would have operated to facilitate. The summaries of royal and papal material must have been present primarily to teach. While they could lead the interested reader to search through the original material that search would have been difficult with no references to the incipits of specific letters. This suggests the material was for general use rather than with the specific purpose of aiding the administration of the house and protecting her legal rights. The account of the development of tithe privileges and the acquisition of property continues to stress this didactic intent. This said the second half of the register has the most strikingly administrative content of any Cistercian cartulary. Material about the rents and services due, notes on properties leased and owned by Meaux all point towards an administrative purpose. As we have noted the author was aware of the cartulary. He may well have written his register in response to it, summarising where the earlier work covered material and adding a great deal of material not present in the earlier work that would be useful, both in regard to the instruction of the monks, for the commemoration of donors and for the administration of the monastery's lands.

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<sup>353</sup> Orange, "Meaux Cartulary", 616-9

## Sibton

Records of two cartularies survive for Sibton, one written in the thirteenth century and the other in the fifteenth. The first is now BL, Arundel 221. It was arranged topographically. The main body of the manuscript is the thirteenth century part, which is roughly made up of folios 32-143. Within this section only folio 132 is a fourteenth century addition. The thirteenth century cartulary is now incomplete. The last charter breaks off without finishing and Brown notes a contemporary reference to charters of Sibton and Peasenhall, which are now lost. She postulates that there are likely to have been sections for the granges which are not mentioned in the cartulary, such as Felthorpe and Croxten. She suggests that there may have been a section dedicated to royal and papal material.<sup>354</sup> All the other folios in the manuscript are fourteenth century and contain miscellaneous items such as Magna Carta, the Forest Charter, as well as royal and papal letters.<sup>355</sup> These were added both before and after the thirteenth century section. The fourteenth century additions are in several hands, with one hand responsible for the royal and papal material which occupied folios 20-31 and 144-51.<sup>356</sup> The collection of papal letters numbers twenty.

Marginal notes state that some of the letters were kept at Sibton,<sup>357</sup> but only three letters are specifically addressed to Sibton, the others are to the Order generally, to the English

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<sup>354</sup> Sibton Cartularies, ed. Brown, vol. 1, 151-52

<sup>355</sup> Sibton Cartularies, ed. Brown, vol. 1, 150

<sup>356</sup> Sibton Cartularies, ed. Brown, vol. 1, 151

<sup>357</sup> Sibton Cartularies, ed. Brown, vol. 2, nos. 447, 457, 459 and 460

Cistercians or to prelates.<sup>358</sup> Material relating to tithes predominates, with twelve of the twenty mentioning tithe privileges and two dealing with financial exemptions.

The fifteenth century manuscript has been broken up and much of its material has been lost. It was written in 1414 and arranged topographically. It includes a papal letter which confirms the possessions of the abbey.<sup>359</sup> This suggests that other papal letters would have been included in other topographical sections as they related to specific locations. The manuscript has survived in two parts. Quires 1-5 survive in Levett-Scrivener MS and quires 13-19 in Oxford Bodley Rawlinson B421. How many quires followed on from quire 19 is unknown.<sup>360</sup> Brown notes that the cartulary is not simply a revision of the previous one but completely reorganises the material in the light of new acquisitions. Material is included which would have been available to the earlier writer but which he did not include. The material is more organised than in the earlier cartulary. Charters are grouped by grange, with sections subdivided by villis. There are then further internal divisions, for example dealing with tenements and rents. Headings at the top of the page identify the locations in question and each charter has a short rubric to aid the reader. Most of the charters are numbered with corresponding numbers written on the originals. This allowed the reader to refer back easily to the originals.<sup>361</sup> This suggests the cartulary had an administrative and legal purpose. One can also discern a commemorative function,

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<sup>358</sup> *Sibton Cartularies*, ed. Brown, vol. 1, 143

<sup>359</sup> *Sibton Cartularies*, ed. Brown, vol. 3, 17-8

<sup>360</sup> *Sibton Cartularies*, ed. Brown, vol. 1, 157

<sup>361</sup> *Sibton Cartularies*, ed. Brown, vol. 1, 154-5



albeit in a much more minor capacity. Some sections include accounts of the descent of benefactors and give details concerning a significant grant to the house.<sup>362</sup>

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<sup>362</sup> Sibton Cartularies, ed. Brown, vol. 1, 158

## Holm Cultram

There are three surviving medieval cartularies for Holm Cultram. The oldest is now stored in the Carlisle Record Office. It was produced towards the end of the thirteenth century.<sup>363</sup> It is largely topographical, but also includes royal charters and papal letters, both in two separate places, the foundation charter, as well as material on the Scottish succession, a subsidy for the holy land and material concerning the bishoprics of Scotland and a memorandum of writs.<sup>364</sup> The structure is hard to analyse as the manuscript has been rebound at least once. Collingwood did not believe it had been returned to the original order.<sup>365</sup> The striking feature of all three volumes is their size. Davis notes them as 5x3¾ in. (Carlisle MS), 6x4¼ in. (Harley 3911) and 7½x5 3/8 in. (Harley 3891). These small volumes can be compared to the pocket books of friars. Friars used such books as an aid to preaching: they fitted the itinerant lifestyle.<sup>366</sup> Their books were around 6in. x 4in..<sup>367</sup> The size of these volumes suggests their purpose was primarily administrative as they could be easily taken around estates and lands when necessary.

This administrative use is also suggested by the rapidity with which new cartularies were produced. The second cartulary, BL, Harley 3911, dates to about 1330,<sup>368</sup> and Harley

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<sup>363</sup> Document no. 52 is dated 1290. The Register and Records of Holm Cultram, ed. Grainger and Collingwood, 23

<sup>364</sup> Register Holm Cultram, ed. Grainger and Collingwood, xi-xiii

<sup>365</sup> Register Holm Cultram, ed. Grainger and Collingwood, viii

<sup>366</sup> D. L. d'Avray, The Preaching of the Friars: Sermons diffused from Paris before 1300 (Oxford: Clarendon Press, 1985), 57

<sup>367</sup> d'Avray, The Preaching of the Friars 60

<sup>368</sup> This manuscript does include a papal letter from Benedict XII which dates to 1337. Collingwood dates the manuscript to around 1300. This is around the same time as the Carlisle MS which would seem strange considering the similarity. Collingwood wrongly sees this letter of Benedict XII as a letter of Benedict XI. It cannot be so as Benedict XI died before the date of the letter would have been possible.

3891 dates to around 1350.<sup>369</sup> Harley 3911 opens with a table of contents, on folios 3-6. There are 43 sections according to this table. They are mainly topographical. Royal charters are contained in the topographical sections. Section 35 includes the papal letters, from folio 136 to 163. After this follows miscellaneous material, including the Magna Carta, folio 164 and the Forest Charter, folio 171. Harley 3891 is arranged in 15 sections and this also has a table of contents. It occupies folios 8v-9 and folio 2. 8v-9 includes sections 1-10 and folio 2, sections 11-15. It is unclear why what is now folio 2 was moved and placed earlier in the volume. The first section in the cartulary deals with the foundation of the house, the second with royal charters and sections 3 to 15 are topographical. Then there are three sections containing copies of legal proceedings, papal privileges and general charters of liberty, including Magna Carta, on folio 133 and the Forest Charter, folio 135v.

The material from Holm Cultram allows a comparison of three papal letter collections from the same house. We know from other information that cartularies do not always record all the material that they had at their disposal. We have noted a case in the cartulary of Meaux where a letter is not recorded when it is in other sources for Meaux. The cartulary for Flaxley contains transcripts of two papal letters but also includes a note reading, 'duo alia privilegia habemus a domino Papa Alexandro tertio et unum a domino Papa Eugenio quae non sunt scripta in hoc rotulo. Omnia privilegia nostra sunt quinque.'<sup>370</sup> Why the compiler did not include copies of the other three letters is unclear:

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<sup>369</sup> *Register Holm Cultram*, ed. Grainger and Collingwood, ix

<sup>370</sup> A. W. Crawley-Boevey, *The Cartulary and Historical Notes of the Cistercian Abbey of Flaxley* (Exeter: Pollard, 1887), 182. The first Garendon cartulary, Lansdowne 415, also does not contain all the material that was available to the compiler. It includes three papal letters, including one from Alexander III and one

it is not impossible that he simply wanted to finish his task faster. The author of the Meaux cartulary may simply have missed the document by mistake. This appears to be the most likely solution given the breadth of the material he did include. Declercq comments on the composition of collections of documents noting that

‘In most cases, the latter [rolls into which royal diplomas and papal privileges were copied] were not systematic collections of all the solemn privileges of an institution, but rather ad hoc dossiers offering a selection of diplomas and privileges related to specific issues. These collections could be gathered either in pursuit of legal claims during a dispute with a rival institution... or to obtain a confirmation of earlier privileges.’<sup>371</sup>

This conclusion would certainly fit the evidence we saw for Byland and Sibton where the focus was on tithe exemption. The material for Holm Cultram gives us three different collections. The first collection holds twenty nine papal privileges, the second thirty seven and the third forty-eight. All three manuscripts include papal letters in topographical sections, Harley 3891 has four, Harley 3911 has three and the manuscript in the Carlisle Record Office has one. Only one letter is present in both Harley topographical sections. This is the letter in the Carlisle manuscript.<sup>372</sup> None of the three lists has a clear structure. They are neither ordered by pope nor thematically. Due to the different arrangement in all three collections it seems unlikely that they were ordered as they were stored, unless this changed significantly between the production of each

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from a later pope, Lucius III. Then a later scribe summarises the privileges granted to the house by Alexander III. These privileges extend beyond those in the privilege which is included in the earlier section showing that the first scribe had not included all the papal letters then at the house.

<sup>371</sup> Declercq, “Originals and Cartularies,” 152-3

<sup>372</sup> Two of the three letters in the topographical section of 3911 are reproduced in the general section of BL Harley 3891.

volume. The two Harley manuscripts have twenty nine papal letters in common. Twenty one letters are common to all three manuscripts. Harley 3911 and the Carlisle manuscript have two letters in common which are not in Harley 3891. Harley 3891 and the Carlisle manuscript have two letters in common which are not in Harley 3911. Four letters are unique to the Carlisle manuscript, six to Harley 3911 and eighteen to Harley 3891. On six occasions letters are in the same sequence in the Harley manuscripts, twice with two letters following consecutively, twice three and twice five. Harley 3911 and the Carlisle manuscript have lengthier identical sequences of letters, one of four letters, one of six and one of eight. Both Harley privilege sections open with the same five letters.

Although some of the letters which occur in Harley 3891 do date after the composition of Harley 3911 this is not universally the case.<sup>373</sup> Four letters of Alexander III and one of Lucius III included in Harley 3891<sup>374</sup> are not in Harley 3911 or the Carlisle manuscript.<sup>375</sup> The most recent manuscript has the largest collection of early letters. One explanation for the differences between the Harley manuscripts might be that between folio 161 and 162 in Harley 3911 a folio is missing. This would still not explain why Harley 3891 does not include all the letters in Harley 3911. Sometimes an educated guess can be made. A letter allowing Cistercians not to attend law suits which involved spending more than two days away from the monastery from Honorius III is omitted in Harley 3891.<sup>376</sup> There is a letter from Gregory IX on the same theme specific to Holm

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<sup>373</sup> An example is a letter of John XXII. Harley 3891, f. 125v

<sup>374</sup> BL Harley 3891, f. 17v, 121, 121v, 122. *Papsturkunden in England*, ed. Holtzmann, vol. 3, nos. 315-318. The Lucius III letter is BL Harley 3891, f. 17

<sup>375</sup> There are only two other twelfth century letters which survive to Holm Cultram. These two are in all three MSS.

<sup>376</sup> BL Harley 3911, f. 152

Cultram rather than to the Order generally.<sup>377</sup> Solutions such as this are not often easy to find, however. Why does Harley 3891 exclude a significant letter from Benedict XII which is included in Harley 3911?<sup>378</sup> There is no simple answer. Looking at the material as a whole it is simply not possible to discern generally why certain letters were excluded and others not. This appears to be the case for most of the collections of papal letters. Often we know from another source that a papal letter was in the possession of a house but it does not survive in their cartulary or cartularies. We cannot simply say that they did not record it because they did not have it. We know that houses included letters they did not have, borrowing them from other houses and copying them, and excluded letters they did have.

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<sup>377</sup> Harley 3891, f. 125v

<sup>378</sup> BL Harley 3911, f. 169v

### **Fountains: A unique case?**

The Fountains cartulary volumes were composed in the fifteenth century. They comprised five volumes, of which one, the fourth, has now been lost. The four volumes which survive are BL, Cotton Tiberius C XII, which is damaged by fire, BL, Additional 40009, BL, Additional 37770 and Manchester, John Ryland's Library, Lat MS 224. Lancaster, who produced an abstract of the contents, noted that there are over 3,000 documents in the four surviving volumes. This includes grants of property, quitclaims, records of legal processes and other documents concerning the administration of the monastery's lands. These documents were copied in full, including the names of the witnesses, adding to the direct legal value of the cartularies.<sup>379</sup> The cartularies are arranged topographically in alphabetical order, with charters grouped under their respective vills. Volume 1 contains the vills from Acaster to Crosthwaite. From both the arrangement and the material contained it is clear that the primary purpose of these volumes was administrative and legal.

The cartularies include ten papal letters which relate to specific properties, for example three letters deal with the church of Crostweir.<sup>380</sup> It is because of the survival of Oxford, University College MS 167 that the extent of the papal material that existed at Fountains comes to light. The University College manuscript does not include any of the ten letters which deal with specific properties, but it does contain one hundred and eighteen papal

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<sup>379</sup> W. T. Lancaster, Abstracts of the charters and other documents contained in the Chartulary of the Cistercian Abbey of Fountains in the West Riding of the the County of York, vol. 1 (Leeds: Whitehead & Son, 1915), viii

<sup>380</sup> Lancaster, Fountains Cartulary, vol. 1, 203

letters.<sup>381</sup> The first sixteen folios of this manuscript contain twenty six royal charters, for every monarch from Stephen to Richard II, with the exception of John. This is then followed by the papal letters in folios 17 to 43v. From folio 43v to 46 there are muniments of St Bernard's College Oxford. At the end of the letters is an alphabetical topical index to aid reference on folios 46v to 59. This is in turn followed on folio 61 by a copy of the Bullarium of general privileges to the Cistercian Order, which was compiled by Jean de Cirey, abbot of Cîteaux, and printed in 1491. The manuscript then ends with a couple of songs in praise of Cistercians on folios 148 to 149. There is no clear order to the papal letters, for example the letters to each pope are not grouped together. Neither does the thematic index suggest there is a particular structure to the material. Finally the letters are not ordered with regard to the recipients.

The case of Fountains is very significant. If the University College Oxford manuscript had not survived the remaining material would tell us that Fountains possessed a small number of papal letters. With this survival we see that they had access to well over a hundred. We have an extensive cartulary with almost no papal documents and a separate volume including royal and papal material. As we have noted in the previous chapter volumes such as this would have been extremely vulnerable to destruction during and after the Reformation. It is the central argument of this chapter that where general cartularies do not contain a specific collection of papal letters the monastery probably held a volume which included a large number of papal letters to the Cistercian Order, similar to this volume. This was the case for Stoneleigh. Stoneleigh had a four volume

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<sup>381</sup> It should be briefly noted that these 118 are not all the papal letters recorded in English Cistercian houses. There are many that this manuscript does not include. As we noted regarding Holm Cultram, the reason why is rarely easy to discern.



cartulary of which only the first volume survives. The fourth volume contained papal letters.<sup>382</sup> We will now go on to look at cartulary material for monasteries which do not have a significant papal letter collection to show that they are comparable with the general cartulary of Fountains. This is not to suggest that every house must have had a papal letter collection, but that their existence would have been relatively widespread and considerably more than the one which has come down to us.

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<sup>382</sup> Papsturkunden in England, ed. Holtzmann, vol. 3, 86

## Beaulieu

Two cartularies survive for Beaulieu. The first is BL Loans No. 29/330, which dates from the thirteenth century. It was arranged in nine parts, the first containing royal charters to the abbey and the other eight are topographical sections.<sup>383</sup> Only two papal documents are included and they make it into the cartulary because they relate to specific properties.<sup>384</sup> Each section opened with a list of documents it contained.<sup>385</sup> Hockey suggests that this volume 'was probably intended to be not only a handy collection of deeds of the Beaulieu estates but also a guide to the documents themselves.'<sup>386</sup> He notes that in the margins a number is entered next to each document as well as against the list at the start of each section. These numbers were not just a system for internal reference, they were meant as a guide to the originals. When one of the deeds could not be found the marginal note reads 'vacat' and no number is recorded.<sup>387</sup> The manuscript would have been used for legal and administrative purposes.

The other manuscript is BL Cotton Nero A XII, which dates from the mid fourteenth century. Its pages measure 13cm x 9cm.<sup>388</sup> It was a pocket book and would have been used, like the Holm Cultram manuscripts discussed, by the officials managing those properties.<sup>389</sup> It opens with a table of contents to aid reference.<sup>390</sup> It has two parts, the first

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<sup>383</sup> *The Beaulieu Cartulary*, ed. S. F. Hockey (Southampton: Southampton Records Society, 17, 1974), xv

<sup>384</sup> *The Beaulieu Cartulary*, ed. Hockey, no. 253

<sup>385</sup> *The Beaulieu Cartulary*, ed. Hockey, xxiii

<sup>386</sup> *The Beaulieu Cartulary*, ed. Hockey, xviii

<sup>387</sup> *The Beaulieu Cartulary*, ed. Hockey, xviii

<sup>388</sup> *The Beaulieu Cartulary*, ed. Hockey, xvii

<sup>389</sup> Another example of a small cartulary is BL Cotton Julius D. i. It measures 17 x 13 cm and contains 193 folios. Jamroziak, *Rievaulx Abbey*, 21

<sup>390</sup> BL, Cotton Nero A XII, f. 1-4

of which is another cartulary, including copies of charters relating to the abbey's Faringdon estates. The manuscript contains five papal letters, these are included because they are relevant to specific properties.<sup>391</sup> One from Gregory IX deals with the appropriation of churches to Beaulieu.<sup>392</sup> A letter of Alexander IV is included because it permits the laity to attend services in Cistercian chapels in their granges. This is followed by material relating to the construction of a chapel at Cokewelle.<sup>393</sup> The second part is a collection of notes on each of the properties that made up the manor of Faringdon. For each was recorded 'a custumal, a table of rents, terriers of demesne arable and meadow (in measured acres), the amount of seed corn sown in a normal year, and the cash wages paid to the permanent workers on the demesne.'<sup>394</sup> Other miscellaneous notes follow including the form of oath for the steward of Faringdon on taking office.<sup>395</sup> Everything about this manuscript suggests its specific administrative use.

Given the arrangement of the first cartulary it certainly seems odd that there was no section dedicated to papal letters. Considering the fact that under King John and Henry III the abbots of Beaulieu were deployed as diplomats for the crown, sometimes dealing with the Papacy,<sup>396</sup> it seems likely that they would have acquired many privileges for their house. On top of this there is the evidence from the Newenham cartulary which refers to other privileges being at Beaulieu. The structure of cartularies like these, with

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<sup>391</sup> BL, Cotton Nero A XII, f. 15, 20, 22, 29, 53v.

<sup>392</sup> BL, Cotton Nero A XII, f. 22

<sup>393</sup> BL, Cotton Nero A XII, f. 20

<sup>394</sup> *The Beaulieu Cartulary*, ed. Hockey, xvii

<sup>395</sup> *The Beaulieu Cartulary*, ed. Hockey, xvii

<sup>396</sup> *The Beaulieu Cartulary*, ed. Hockey, xxxvii

their focus on the administration of estates, may explain why papal letters were excluded.

They were not relevant to properties.

## Whalley

Whalley abbey in Lancashire is another monastery from which a number of manuscripts have survived. Very few papal letters survive. A cartulary roll at the National Archives containing roughly sixty charters from the twelfth and thirteenth century has none.<sup>397</sup>

Manchester, John Ryland's University Library, Latin MS 461 contains two papal letters specifically relating to chapels that belong to Whalley.<sup>398</sup> This is a seventeenth century manuscript and it is unclear from where all the material was taken. It does not appear to have been a copy of a lost manuscript. BL Additional 10374 is a general register or cartulary and dates to the early to mid 14th century. It is comprised of 163 folios. It is mainly made up of copies of pleas, inquests, writs and letters. It contains a wide range of miscellaneous information, including tables of the runic alphabet folio 1v, calculations of daily and annual wages folios 59-59v, a list of legal days (for returns of writs) in the Common Pleas, folios 89v-90 and even a charm to stop bleeding, folio 79v.<sup>399</sup> It also contains three papal letters.<sup>400</sup>

London, BL, Egerton 3126 is the most substantial cartulary surviving for the abbey, with 421 folios.<sup>401</sup> It was written between c.1342-77 for Abbot John de Lyndeley.<sup>402</sup> The manuscript is arranged into 21 sections, 20 of which are topographical and one is for

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<sup>397</sup> National Archives, Exchequer, King's Remembrancer, Transcripts of Deeds and Charters, E 132/1/7

<sup>398</sup> Manchester, John Rylands University Library, Latin MS 461, 11v, 34, 65. F. 11v and f. 65 are copies of the same letter.

<sup>399</sup> This information is taken from the UCL English Monastic Archives project website. [http://www.ucl.ac.uk/history/englishmonasticarchives/archives/all\\_details.php?id=1617](http://www.ucl.ac.uk/history/englishmonasticarchives/archives/all_details.php?id=1617)

<sup>400</sup> BL Additional 10374, f. 3v, 150, 162

<sup>401</sup> The volume has been printed. *The Coucher Book or Chartulary of Whalley Abbey*, ed. W. A. Hulton, 4 vols. (Manchester: Chetham Society, 10, 11, 16, 20, 1847-9)

<sup>402</sup> BL, Egerton 3126, f. 26v

papal material relating specifically to possession of churches, folios 88-95. At the start of the manuscript there is a table of contents, folios 7 to 26v. Its legal and administrative use can be seen in the focus of its material, particularly its focus on grants of land and rents. Other papal letters are recorded in the above manuscripts. It was noted in the previous chapter that Fountains referred the reader twice to Whalley, where they could find a papal letter. One of them was recorded in a book of the abbot, needless to say this does not survive.<sup>403</sup>

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<sup>403</sup> 'de libro abbatis de Whalley' University College Oxford, MS 167, f. 41v. The other reference to Whalley was University College Oxford, MS 167, f. 39

## Rufford and others

Holdsworth notes that three cartularies appear to have existed for Rufford.<sup>404</sup> Of these only one, BL, Loans No. 41 survives. This was composed in the fifteenth century. The cartulary occupies folio 17 to 103. Holdsworth notes two editors who worked on the manuscript, one between c. 1400 and c. 1420 and the other between 1462 and c. 1472.<sup>405</sup> The first compiler organised his material topographically. Whereas the second rearranged the material more subtly.<sup>406</sup> Sometimes he grouped together material relating to a contemporary holding.<sup>407</sup> The cartulary contains no papal material at all. Twenty-six original papal letters to Rufford survive.<sup>408</sup> The surviving evidence points to the existence of a papal letter collection which was not included in this cartulary.

Other Cistercian cartularies could be highlighted to show a lack of papal letters, with the exception of those which fit logically into topographical sections, for example the cartulary roll of Dieulacres abbey, Stafford, William Salt Library MS 539, which includes only one papal letter because it refers to the granting of a church. Another case would be a now untraced cartulary of Rievaulx which Davis notes was arranged topographically with royal charters at the start.<sup>409</sup> We have already noted this structure in

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<sup>404</sup> Rufford Charters, ed. C. J. Holdsworth, vol. 1 (Nottingham: Thoroton Society Record Series, 29, 1972),

xv

<sup>405</sup> Rufford Charters, ed. Holdsworth, vol. 1, xvi

<sup>406</sup> Rufford Charters, ed. Holdsworth, vol. 1, xvi

<sup>407</sup> Rufford Charters, ed. Holdsworth, vol. 1, xviii

<sup>408</sup> Idris Bell, H. "A list of Original Papal Bulls and Briefs in the Department of Manuscripts, British Museum," EHR, 36 (1921), nos. 9, 10, 20, 62, 64, 66, 67, 83, 86, 99, 100, 103, 121, 128, 134, 143-4, 161-2, 181, 185-8, 207, 209

<sup>409</sup> Davis, Medieval Cartularies, 92. The same point could also be made for the second Garendon cartulary. It is presently in the hands of Christopher Foyle where it resides at Beeleigh abbey, Essex. It dates from the fifteenth century. It opens with the foundation charter, then a couple of royal and Episcopal charters. After

the second Sibton cartulary. The purpose of this last section is not to provide a universal survey of the remaining cartularies but simply to give a few examples to show that many Cistercian cartularies lack papal letters other than those which are topographically specific. This is despite the fact that we know from other sources that they held some.

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this the arrangement is topographical, dealing with the granges of Alton, Swinton, Ravenston, Staunton and Swanington. However the manuscript is missing a folio at the start of the volume, which may well have been a table of contents and the manuscript breaks off incomplete at folio 27. How large the cartulary was and whether it included papal letters is thus unclear.



## Conclusion

This chapter has sought to argue that many Cistercian houses would have had either separate volumes including papal letters of a similar nature to the University College Oxford manuscript or would have included substantial papal letter collections within their cartularies. The pattern of survival is not representative of the original collections which were present in monastic libraries before the dissolution. We noted that the administrative structure of a cartulary could be a factor in the exclusion of papal letters from general cartularies. Many cartularies only hold those letters which fit within topographical sections. We have seen the importance which papal letters held, for example, at Byland, Newenham, Meaux and Furness. In the previous chapter we saw the general chapter exhorting the houses to obtain copies of general privileges. It would seem strange for other Cistercian houses not to have kept a substantial record of their papal letters. It would have been all the more strange given that privileges not only granted important rights but also played a significant role in affirming Cistercian identity. When no records of papal letter collections survive the odds are high that those houses would have possessed a collection since lost as a result of the Reformation and its aftermath.

Even where abbeys lacked their own collection of papal bulls, as some probably did, the information networks which we saw in the previous chapter allowed individual houses to make use of the records of others, both at home and abroad, to supplement their own records. Either through their own collections or through contact with other Cistercian

houses each house would have been aware of the rights and privileges possessed by their order.

## **Part 2: Privileges and Practice in English Cistercian houses**

### **Chapter 3: Cistercian Privileges and Monastic Life**

#### **Introduction**

In the previous two chapters it was argued that every English Cistercian house had the capacity to be aware of all papal privileges given to the Order. Many more of them possessed papal documents than current survival patterns would suggest: an untold number of papal letter collections have been destroyed. But even if a house lacked its own copy of a bull, it could obtain one. There was communication and borrowing. Houses did not need to have an original of a letter to be aware of it or to have a copy of it. The absence of a papal letter from a surviving cartulary does not mean that a house did not have a copy of a particular letter.

The next two chapters will attempt to sketch out what actually happened in practice. They will seek to put flesh on the bones that are the papal letters. This substance will be provided from a variety of sources which shed light on the material, from letter collections to chronicles, from bishops' registers to the statutes of the Cistercian general chapter. In some instances a relatively large number of examples occur to provide evidence, in others nothing. This chapter will examine the privileges which sought to aid the smooth running of the monastic community. Chapter four will investigate how privileges developed along with the judicial functions of the Cistercian Order, how this affected the authority of the bishop and how it led to the Cistercians becoming involved

in the religious lives of the laity. The major question these chapters will try to answer is: to what extent did these papal letters come into force and what practical effect did they have on the ground? The conclusions will be by their nature tentative due to the lack of surviving material. For any given privilege only a handful of examples shed light on its enforcement and practical impact.

Before specific privileges can be considered two important qualifications need to be made to the argument, emphasised thus far in the thesis, that every English house had the capacity to be aware of every privilege to the Order. First the fact that Cistercian houses could be aware of papal letters does not mean that they always were. Just as a conscientious abbot could have a detailed collection of papal privileges produced, a lax regime could allow material, even that which was in the possession of the house in question, to fall out of common usage and memory. One of the reasons we have seen why cartularies were produced was to make the material more easily accessible so that it would not be forgotten. It is probable that some cartularies were produced in response to a period of collective amnesia and out of a desire to regain rights that had been neglected. This ignorance can be seen in a letter of Clement V to Meaux dated 26 February 1308.<sup>410</sup>

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<sup>410</sup> 'Clemens episcopus servus servorum Dei dilectis filiis abbati et conventui monasterii de Melsa ordinis Cysterciensis Eboracensis dyocesis salutem et apostolicam benedictionem. Cum sicut ex parte vestra fuit propositum coram nobis nos et predecessores nostri qui fuerint pro tempore quibusdam privilegiis et indulgenciis a predecessoribus nostris Romanis pontificibus monasterio vestro concessis propter simplicitatem et iuris ignoranciam usi non fueritis temporibus retroactis. Nos vestris supplicationibus inclinati monasterii eiusdem indemnitati volentes in posterum precavere utendi de cetero eisdem privilegiis et indulgenciis non obstante ommissione huiusmodi dummodo non sit eis per prescripcionem vel alias legitime derogatum auctoritate vobis presencium indulgemus.' Orange, "Meaux Cartulary", 103. Orange incorrectly dates this as 27<sup>th</sup> of February.

The second key point is that just because a papal letter granted a particular right does not mean that the privilege was exercised. A letter might not be enforced because the monastery did not wish to use the right. If an abbot did not want his monks hearing the confession of the laity then a privilege granting this right would have no impact in the locality no matter what the letter said. If individuals in the ecclesiastical hierarchy opposed the right or ignored it then it would be down to the monastery to fight to defend its corner. Should the monastery either decide not to fight or lose the battle then again a privilege could become a dead letter. Christopher Cheney sounded this warning in his article on the letters of Innocent III. He wrote, 'History written from the letters alone will be badly distorted. The occasions when kings and princes unwillingly did as they were told at the pope's bidding are not many.'<sup>411</sup> This was equally true of the ecclesiastical authorities.<sup>412</sup> The letter of Clement V cited above reminds us that enforcement changed with practice. A papal letter could fall out of use because it was formally repealed or annulled either by the Papacy or the Cistercian Order. As not all material survives it is certainly possible that letters were repealed or annulled and that the historical record, or lack of one, hides this from view.

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<sup>411</sup> Cheney, *Medieval Texts and Studies*, 36

<sup>412</sup> Cheney, *Medieval Texts and Studies*, 36-7

## **Cistercian Mechanisms to defend privileges**

Structures were in place to aid the enforcement of Cistercian privileges. Procurator generals of the Order administered the legal business of the Order at the papal court. During the thirteenth century two secular clerics held the position at a time. They were paid by the general chapter. In the fourteenth century members of the Order took over the office. Then only one person held the office. All Cistercian abbots had to direct their legal cases through the procurator. It was his job to defend the privileges of the Order. From 1260 the Order appointed a cardinal protector. The first man to hold the office was John of Toledo. The specific nature of the office is unclear.<sup>413</sup>

In 1245 Innocent IV appointed conservators to defend the rights of those entrusted to their protection.<sup>414</sup> This prevented unnecessary appeals to Rome.<sup>415</sup> Their powers were limited in canon law. They could not act in matters requiring judicial cognizance. Clement V removed this limitation. They acquired permanent judicial powers over all matters affecting the possessions and privileges of those they protected.<sup>416</sup> The Cistercian Order was given conservators from the inception of the office. They were appointed to particular countries or provinces. Hugh Bluet, prior of Lenton, acted as conservator of the privileges of the Cistercian Order in the province of Canterbury. He exercised coercive

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<sup>413</sup> Lekai, *Ideals and Reality*, 74

<sup>414</sup> *Decrees of the Ecumenical Councils*, ed. and trans. N. P. Tanner, vol. 1, (London: Georgetown University Press, 1990), 285, canon 6

<sup>415</sup> Sayers, *Papal Judges Delegate in Canterbury*, 265

<sup>416</sup> McDonald, "Relations", 242

powers against a prior and a vicar who molested a Cistercian house in 1251-2.<sup>417</sup> The abbot of St Albans held the office for England in 1272. He excommunicated individuals who infringed the privileges of the Order.<sup>418</sup> The chronicle of Meaux records the appointment of conservators in England by Clement VI and Innocent VI.<sup>419</sup> In 1328 the conservator, the abbot of Westminster, revoked the sentence of excommunication which the archdeacon of Chester had placed on a monk of Whalley because of the privileges of the Order.<sup>420</sup>

The annals of Waverley record regulations for the defence of the privileges of the Order in 1260. Three senior abbots were to investigate the merits of the case. Then all the abbots of the province were to come together. They would then proceed in the case at common expense.<sup>421</sup> English Cistercians used these structures to fight to defend their rights.

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<sup>417</sup> Sayers, Papal Judges Delegate in Canterbury, 108

<sup>418</sup> D. L. Douie, Archbishop Pecham (Oxford: Clarendon Press, 1952), 167

<sup>419</sup> Meaux Chronicle, ed. Bond, vol. 2, 316-7 and vol. 3, 90

<sup>420</sup> The Ledger-Book of Vale Royal, ed. Brownbill, 183-5

<sup>421</sup> 'Statutum etiam fuit ut in provinciis illis, in quibus episcopi vel alii ecclesiarum praelati communia privilegia et indulgentias ordinis infringere molirentur, tres abbates, qui in illa provincia in ordine priores existerent, ad instantiam abbatum afflictorum, inquisita prius causa, et causae merito, videlicet si dicti afflicti bonam haberent causam et communia ordinis privilegia et indulgentiae impeterentur, universos abbates eiusdem provinciae convocarent ad locum medium, auctoritate capituli generalis, et ibi, facta competenti contributione in communibus expensis eiusdem provinciae per se vel per procuratorem idoneum in ipsa causa procederent, prout melius et salubrius viderent expedire.' Annales Monastici, ed. H. Richards Luard, vol. 2 (London: Rolls Series, 36, 1865), 352-3

### **The Benedictine Rule and the ‘institutionem fratrum Cisterciensium’**

Analysis of the papal letters to English Cistercian houses during the twelfth century shows that most privileges gave a small number of rights in standardised formulae. Not all these rights were given at the same time and not all houses record all of them. It is from the pontificate of Lucius III (1181-85) that the first papal privilege addressed to all Cistercian houses survives.<sup>422</sup> This marks a new stage in the potential uniformity of privileges to the Cistercian Order. Under Alexander III this process had been advancing. This can be seen in a letter to all English Cistercians.<sup>423</sup> The next significant development occurred when letters to the whole Order increased dramatically in proportion to those to individual houses. This shift occurred in the pontificate of Honorius III. Until letters to the whole Order appear one way of viewing uniformity will be how many of the houses for which letters survive have a copy of a particular clause.<sup>424</sup>

The development of uniformity can be seen by looking at the various clauses of regularity which survive in papal letters to English Cistercian houses in the twelfth century. Dubois argued clauses of regularity had become an obligatory condition for a monastery to gain apostolic protection under Innocent II.<sup>425</sup> This type of clause can be seen across the

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<sup>422</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 369

<sup>423</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 3 no. 306

<sup>424</sup> It should be stressed this will not be an exact science. As we have already noted in regard to general letters because a cartulary does not record a particular letter does not mean that the abbey did not possess an original copy. It is perfectly possible that early original letters were not recorded in cartularies; particularly when they only mentioned clauses that were repeated later. This needs to be further qualified by saying again having a privilege did not mean it was automatically enforced.

<sup>425</sup> This can be questioned as many papal letters to English houses mention the house is ‘sub beati Petri et nostra protectione’ but do not have this clause. For examples see *Papsturkunden in England*, ed. Holtzmann, vol. 1, nos. 48, 63, vol. 2, no. 44, vol. 3, nos. 41, 53, 77, 88, 96, 116.



monastic orders.<sup>426</sup> This type of clause is a suitable place to begin this chapter as it sought to confirm the customs that had been established in that monastery and to ensure that those customs were observed inviolably henceforward. While it might be naive to suggest that the only reason that the Papacy granted privileges was to aid the observance of the lives of the religious it would be wrong to dismiss this as a significant factor. This motivation is given in the arengae of innumerable papal letters and can be seen in the writing of Innocent III.<sup>427</sup> Perhaps more significantly it is evident from the content of the clauses which will be examined in the rest of this chapter.

By 1172 the Cistercian clause of regularity had become standardised and uniform. Eight of the ten papal privileges to English Cistercians which survive from the 1170s contain the clause. This is compared with a total of sixteen appearances out of the thirty-nine letters dated between 1141 and 1181.<sup>428</sup> From 1172 onwards the Cistercian specific part of the clause always read ‘institutionem Cisterciensium fratrum.’<sup>429</sup> While this form was in existence from the earliest papal letters to English Cistercian houses, surviving in a letter to Garendon dated 1144-5<sup>430</sup>, a variety of other forms were present until 1172.<sup>431</sup>

<sup>426</sup> J. Dubois, “Les orders religieux au XII<sup>e</sup> siècle selon la curie romaine,” *Revue Bénédictine*, 78 (1968), 285-7. M. Maccarrone, “Primato Romano e Monasteri dal Principio del Secolo XII ad Innocenzo III,” in *Istituzioni Manastiche e Istituzioni Canonicali in Occidente (1123-1215)* (Milan: Vita e pensiero, 1980), 74-5. An example of this clause in a privilege to a Cistercian house reads as follows: ‘In primis siquidem statuentes, ut ordo monasticus qui secundum Deum et beati Benedicti regulam atque Cisterciensium fratrum consuetudinem in eodem loco noscitur institutus, in ipso monasterio futuris temporibus inviolabiliter observetur.’ *Papsturkunden in England*, ed. Holtzmann, vol. 1, no. 31

<sup>427</sup> B. Bolton, “Via Ascetica: A Papal Quandry,” *Monks, Hermits and the Ascetic Tradition*, ed. W.J. Sheils (Oxford: Blackwell, Studies in Church History, 22, 1985), 164

<sup>428</sup> Alternatively eleven of the sixteen houses for whom papal letters survive have a letter with this clause.

<sup>429</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 1, nos. 115, 122, 139, 148, vol. 3, nos. 192, 193, 269, 346, and *Monasticon Anglicanum*, ed. W. Dugdale, vol. 5 (London, 1825), 599.

<sup>430</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 1, no. 31. The letter reads “institutionem fratrum Cisterciensium” and thus has a different word order to the clause that would become standard from the 1170s, still crucially the work ‘institutionem’ is present. A letter to Rievaulx dated to 1160 also uses

This implies a clear development in the standardisation of letters to English Cistercian houses.

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‘institutionem.’ Here the phrase used is “institutionem Cisterciensis ordinis.” *Patrologiae Latinae*, ed. Migne, vol. 200, 92

<sup>431</sup> Thame, 1141, *Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 36, “formam Cisterciensium fratrum”; Garendon, 1153-4, *Papsturkunden in England*, ed. Holtzmann, vol. 1, no. 56 “Cisterciensium fratrum consuetudinem”; Meaux, 1154, *Papsturkunden in England*, ed. Holtzmann, vol. 1, no. 57 “Cisterciensium fratrum observantiam”; Rufford, 1156, *Papsturkunden in England*, ed. Holtzmann, vol. 1, no. 62; Rufford, 1160, *Papsturkunden in England*, ed. Holtzmann, vol. 1, no. 80 “consuetudinem Cisterciensium fratrum”; Sibton, 1160, *Papsturkunden in England*, ed. Holtzmann, vol. 1, no. 81 “Cisterciensium fratrum consuetudinem”

## Protection Clause

The observance of the rule and general peace of monastic life was explicitly cited as the reason behind many of the privileges granted to houses. This sentiment can be seen clearly in the protection clause which was intended to provide peace and tranquillity.<sup>432</sup> The clause was one of the most regular to appear in letters to English Cistercians up to 1181. It was rare before 1155, included in only three out of the sixteen letters. It was written into twenty-one of the thirty-nine privileges and is present in the collections of fourteen of the sixteen houses for which we have records.<sup>433</sup> The clause stated that a sentence of excommunication was to be published should anyone attack the monastery or its members. This is an example of a *iure excommunication*.<sup>434</sup> The terms of this clause were repeated by later popes. Innocent III wrote both to the archbishops of Canterbury and York and their suffragans.<sup>435</sup> In his letter to the archbishop of York, the bishop of Durham and their clergy he affirmed this right and laid out the disciplinary powers that the abbot had at his disposal.<sup>436</sup> Holm Cultram received a letter from Innocent III which mentioned they were permitted to excommunicate thieves and trespassers.<sup>437</sup>

<sup>432</sup> 'Paci quoque et tranquillitati vestre paterna sollicitudine providentes auctoritate apostolica prohibemus, ut infra clausuram locorum sive grangiarum vestrarum nullus violentiam vel rapinam sive furtum facere vel hominem capere audeat, et si quis hoc temerario ausu presumpserit, tamquam sacrilegus iudicetur et excommunicationis ultione plectatur.' *Patrologiae Latinae*, ed. Migne, vol. 200, 92

<sup>433</sup> The two exceptions occur at Waverley and Kirkstall. The one Kirkstall privilege only confirms possessions. *Monasticon Anglicanum*, ed. Dugdale, vol. 5, 536. The two Waverley privileges date to 1145 (*Papsturkunden in England*, ed. Holtzmann, vol. 2, no. 44) and 1147 (*Patrologiae Latinae*, ed. Migne, vol. 180, 1226).

<sup>434</sup> Where an ecclesiastical decree included a clause excommunicating all the violators of the decree. F. D. Logan, *Excommunication and the Secular Arm in Medieval England*, (Toronto: Pontifical institute of Medieval studies, 1968), 58

<sup>435</sup> *Innocent III: Calendar*, ed. Cheney, no. 497

<sup>436</sup> *Innocent III: Calendar*, ed. Cheney, no. 497. Printed in Orange, "Meaux Cartulary", no. 15.

<sup>437</sup> *Innocent III: Calendar*, ed. Cheney, no. 682. Printed in Orange, "Meaux Cartulary", 45 and *Monasticon Anglicanum*, ed. Dugdale, vol. 5, 601. It is also found in Oxford, University College MS 167, f. 34v as well as in the three Holm Cultram cartularies. BL Harley 3891, f. 115; Harley 3911, f. 145v and Carlisle Record

The archbishop of Canterbury wrote to William de Verdun, archdeacon of Gloucester. The abbot and convent of Bordesley had complained that their monks and brethren at the grange of Combe had been assaulted and that P. Parson of Chipping Campden, with his accomplices, had stolen grain by force. The archdeacon was ordered to excommunicate the offenders, to give redress to the monks and to seek the restoration of property.<sup>438</sup> The bishop of Hereford mandated a priest in his diocese to excommunicate those who had molested the monks of Flaxley in the Forest of Dean in 1192.<sup>439</sup> Honorius III wrote to the archbishop of Canterbury and his suffragans to excommunicate those who harmed Robertsbridge. This letter was republished when the bishop of Chichester wrote to the clergy in his diocese between 1245 and 1253 ordering them to carry out the terms of the papal letter.<sup>440</sup> Gregory XI wrote to the abbot of Fountains in 1376 instructing him to punish with excommunication those who attacked Meaux and would not make full restitution.<sup>441</sup> In 1452 John Kemp, the archbishop of Canterbury, wrote to the clergy of the Isle of Wight. He ordered that the instigators of an attack on Quarr abbey should be publicly denounced in the churches when there was the greatest number of people. They had incurred major excommunication and were to be warned once, twice and three times, to appear before the archbishop within fifteen days of the pronouncement as violators of

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Office, Holm Cultram Cartulary, p246. This is an interesting example of the lending of material between houses as this letter specifically to Holm Cultram finds its way into two major collections of papal letters, that of Fountains and Meaux.

<sup>438</sup> *English Episcopal Acta*, ed. C. R. Cheney and E. John, vol. 3 (Oxford: Oxford University Press for the British Academy, 1986), no. 341

<sup>439</sup> *English Episcopal Acta*, ed. J. Barrow, vol. 7, no. 191. This is printed in Crawley- Boevey, *Flaxley Cartulary*, p181, no. 78.

<sup>440</sup> *English Episcopal Acta*, ed. P. M. Hoskin, vol. 22, no. 169

<sup>441</sup> Orange, "Meaux Cartulary", no. 174

the privileges of the Cistercian Order.<sup>442</sup> Other examples could be added to these.<sup>443</sup> It is clear that this privilege was effective throughout the period. Bishops took the privilege seriously and enforced it.

Under the pontificate of Urban III Cistercian houses were granted a privilege which aided their protection.<sup>444</sup> Urban stated that monks' testimony could be used as evidence in the houses' legal cases. This clause acted as a deterrent against criminal action towards the community. Again the focus was on aiding the general peace and harmony of the monastic community and protecting the houses from problems that might otherwise arise. This right had been conferred on Fountains during the pontificate of Alexander III.<sup>445</sup> There is no other reference to this right in any other letter before 1185. The implication of the text is that not all houses had been granted this privilege. Cistercian privileges were by no means universal or uniform in twelfth-century England. One should be cautious in talking about a lack of uniformity, considering what has been lost. This does not reduce the probability that different Cistercian houses had a variety of privileges, some more than others. It was only with the privilege of Urban III that this particular right certainly became widespread.

<sup>442</sup> The Charters of Quarr Abbey, ed. S. F. Hockey (Newport: Isle of Wight Records Series, 3, 1991), no. 34. Other instances against Quarr abbey dated from the thirteenth, fourteenth and fifteenth centuries can be seen in the Quarr cartulary. Quarr Charters, ed. Hockey, nos. 22, 29-30, 34-5.

<sup>443</sup> Memorials of Fountains, ed. Walbran, vol. 1, 199-200, 227-9. The Ledger-Book of Vale Royal, ed. Brownbill, 34-6. The vale royal case takes gives an account from the crimes to the excommunication to the resolution of the situation as the offenders go to the abbot for absolution and pay him for his losses.

<sup>444</sup> 'Preterea noueritis nos eisdem fratribus indulsisse, ut in causis fratrum domus sue et aliorum, qui de domo ipsorum exierunt, liceat eis testimonio uti.' Papsturkunden in England, ed. Holtzmann, vol. 1, no. 236

<sup>445</sup> Papsturkunden in England, ed. Holtzmann, vol. 3, no. 244

## Economic Privileges: Tithes

A clause even more common than the protection clause is that about tithe payments. Of the thirty nine privileges dated up to 1181 only three lack this clause and it is only absent from the records of one house.<sup>446</sup> These privileges and letters commissioning papal judge delegate cases concerning tithe disputes make up a large number of the letters that survive. Tithes represented, between 1150 and 1250, the principal source of wealth for many religious houses, being far more important to them than donations.<sup>447</sup> When a monastery held rights over tithes this took income away from priests and laymen who would otherwise have held them.<sup>448</sup> A great deal has been written on the subject of Cistercian tithe privileges.<sup>449</sup> I do not intent to revisit the topic in this thesis. For our purposes two points need to be remembered. First, tithe rights were the most significant element in a theme that runs throughout the history of Cistercian privileges: privileges were continually granted to aid the economic strength and financial sustainability of the Order. This point can be seen in the protection clause we have examined. It was interested not simply in physical assault of members of the community but also in safeguarding them from loss of property.<sup>450</sup> Second, the continual disputes demonstrate both that the Cistercians themselves often overstepped the letter of their privileges and that others tried to infringe upon them. While disagreements arose as to the intent of the

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<sup>446</sup> That is Kirkstall, for which only one letter survives in this period. *Monasticon Anglicanum*, ed. Dugdale, vol. 5, 536

<sup>447</sup> Constable, *Monastic Tithes*, 107n. 2

<sup>448</sup> Constable, *Monastic Tithes*, 119-20

<sup>449</sup> See introduction for a summary.

<sup>450</sup> One example will suffice. Innocent III's letter penalised those who withheld legacies from houses. *Innocent III: Calendar*, ed. Cheney, no. 183

papal grant and the specifics of individual cases the tithe privileges were enforced by the disciplinary structures of the church throughout the Middle Ages.

Constable argued for the separation of tithe rights from privileges. This is wholly artificial. Almost every standardised papal privilege to a Cistercian house in the twelfth century included a clause on tithe privileges.<sup>451</sup> Constable was arguing against other historians<sup>452</sup> who included these rights in their studies.<sup>453</sup> The reasoning on this issue seems to be weak. He ignores the changing and developing nature of papal privileges.<sup>454</sup> It would be inaccurate to see Cistercian privileges in the first half of the twelfth century as a specific assault on Episcopal jurisdiction, which is a crucial point for his removal of tithe rights from the general scope of exemption.<sup>455</sup> He said that exemption applied to Episcopal authority, not to tithes, of which the bishop was entitled to at most a third or a quarter. Still if Cistercian privileges were not against the episcopate but part of a move to try to help the Cistercian way of life his objection collapses. This wider understanding of the purpose of the privileges, particularly in the earlier part of the twelfth century is vital.

One crucial point that Constable does raise is that 'there is evidence that monasteries had to pay tithes unless they had been explicitly freed or given the tithe in question.'<sup>456</sup>

Innocent II granted a general privilege freeing the entire Cistercian Order from the payment of tithes, in his grant to Cîteaux in 1132.<sup>457</sup> 'The general grants, however, were

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<sup>451</sup> Constable, *Monastic Tithes*, 220

<sup>452</sup> Viard, Vendevre, Monod, and Mahn

<sup>453</sup> Constable, *Monastic Tithes*, 246

<sup>454</sup> Constable, *Monastic Tithes*, 246

<sup>455</sup> Constable, *Monastic Tithes*, 246-7

<sup>456</sup> Constable, *Monastic Tithes*, 221

<sup>457</sup> Constable, *Monastic Tithes*, 241-2

probably on the whole less effective than individual privileges. Long after his general grants for the Cistercians and the Premonstratensians, Innocent continued to include (and occasionally to omit) the privilege in his charters for their individual houses and to confirm specific holdings of tithes from their own lands, which was still apparently considered the most secure basis for freedom from tithes.<sup>458</sup> This is of importance for the consideration of the universality of privileges. Constable is here arguing that the local institution must have its own privilege covering a particular point to be certain of defending its rights.

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<sup>458</sup> Constable, Monastic Tithes, 242



## Economic Privileges: Others

Papal letters granted other rights to safeguard the economic stability of Cistercian houses. One clause forbade lands or benefices to be given to anyone or alienated without the consent of either the whole chapter or the greater and more responsible part; another dealt with monks borrowing money or acting as surety without the consent of the abbot and the wiser part of the community. The latter clause clearly shows concern for the problem of monastic debt which seems to have been all too present at the end of the twelfth century.<sup>459</sup> These clauses implied a caveat with respect to the authority of the abbot. He did not have ultimate power and authority over the community. Decisions had to be made in a quasi-democratic process.

The detail of this clause first appeared not as a privilege but as a papal judgment in a case concerning Fountains in 1173.<sup>460</sup> If the abbot had acted without the assent and will of his brothers then his decision would not stand. This principle is evident before it was included in the privileges of the 1190s. It is visible in the language of various transactions recorded in several cartularies which imply that the consent of the abbot and chapter had

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<sup>459</sup> See Bury before Samson became abbot in Jocelin of Brakelond. *The Chronicle of Jocelin of Brakelond*, ed. H. E. Butler, (London: Thomas Nelson and Sons Ltd, 1949), 1-2. Also see A. Boureau "How the Law came to the Monks," *Past and Present* (2000), 49n. 46, R. H. Snape, *English Monastic Finances in the Later Middle Ages* (Cambridge: Cambridge University Press, 1926), Cheney, *Visitation*, 171-4, Lawrence, *Medieval Monasticism*, 126-7.

<sup>460</sup> 'Quoniam ergo non decet fraternitatem tuam prescriptam grangiam detinere ex eo, quod predictus abbas exinde tue misericordie se commisit, nos tibi prompto uolentes suggerere, quod tue honestati conueniat, fraternitati tue per apostolica scripta precipiendo mandamus, quatinus, si predictus abbas sine assensu et uoluntate fratrum suorum tibi grangiam prescriptam concessit, quod ei minime licuit nec ipsi postmodum concessionem ipsam ratam habuerunt, tu eam abbati et fratribus predicti loci omni contradictione et appellatione remota restituas et in pace dimittas.' *Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 194. Three letters dealing with this case occur in 1173. *Papsturkunden in England*, ed. Holtzmann, vol. 3, nos. 194, 198, 208.

been given.<sup>461</sup> In a land dispute between Fountains and Furness the monks of Furness claimed that one of their previous abbots had made the grant to Fountains without the consent of his chapter thus invalidating the transaction.<sup>462</sup> It is unlikely that there is any direct relationship between the letter in the 1173 case and the appearance of this clause in the privileges of the English Cistercian houses but it would seem sensible to conclude that the repeated occurrence of the same problem led to the need for this clause to be contained in privileges. This provides an interesting insight into the way in which privileges evolved as a result of responsive papal justice.<sup>463</sup>

In 1295 Boniface VIII granted a privilege to all Cistercian houses which forbade prelates who officiated in any of the churches belonging to the Order from claiming the alms which were offered at the time of celebration.<sup>464</sup> I have been unable to find any material which suggests that this privilege was either enforced against opposition or flouted by prelates. The recorded instances concerning prelates visiting monastic churches have never mentioned these fees being requested or this right being defended.

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<sup>461</sup> Byland Cartulary, ed. Burton, no. 125, The Ledger-Book of Vale Royal, ed. Brownbill, 67, The Book of the Abbot of Combermere 1289 to 1529, ed. J. Hall (London: The Record Society for the publication of original documents relating to Lancashire and Cheshire, 31, 1896), 15, Rufford Charters, ed. Holdsworth, nos. 164, 249, 395, 892.

<sup>462</sup> Lancaster, Fountains Cartulary, vol. 1, 62

<sup>463</sup> A similar example of this process can be seen in the granting of rights for Cistercians to give evidence against those attack them. First the principle appears in a specific case. Later it enters into general privileges.

<sup>464</sup> Printed in Furness Coucher, ed. Atkinson, vol. 1, part 3, 551-2. Another copy is found in University College Oxford, MS 167, f. 37v.

## Hospitality

Hospitality is an area where economic privileges overlapped with concerns for the observation of the rule. 'Hospitality was thus intrinsic to Benedictine monasticism (because of the Benedictine rule). Nevertheless, there was an inherent tension in the reception of guests within the precincts, for an influx of visitors might disrupt the monastic life: it could upset the quietude of the cloister, distract the brethren from their spiritual duties, or encourage lax behaviour such as casual conversation and a more luxurious diet.'<sup>465</sup> The topic of hospitality was touched on in regard to three aspects in Cistercian privileges: procurations, eating meat and the entry of women. Honorius III wrote to the entire Cistercian Order exempting them from the payment of procurations to papal legates.<sup>466</sup> Alexander IV gave a privilege which stated that neither diocesans nor prelates should presume to claim hospitality as a right on the basis of ancient custom, rather they should realise that hospitality was a favour.<sup>467</sup> The privilege recognised legates and bishops should be entertained honourably, but stated they could not demand money from the monks. He said this was the case even when letters were produced

<sup>465</sup> J. Kerr, "Monastic Hospitality: the Benedictines in England, c. 1070-c. 1245," in *Anglo-Norman Studies*, 23 (2000), 97

<sup>466</sup> Copies at *Sibton Cartularies*, ed. Brown, vol. 2, no. 458 (21 December 1218); *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 584-5; (15 March 1219), Orange, "Meaux Cartulary", no. 24.

<sup>467</sup> 'Intimantibus vobis accepimus quod cum exhibeatis vos in hospitalitate omnibus liberales diocesanis vestris ac aliis ecclesiarum prelatis eorumque familiis cum ad vestra monasteria declinant, caritative juxta facultatem vestrarum exigentiam necessaria ministrantes, nonnulli prelatorum ipsorum huiusmodi gratiam convertere molientes in debitum et quod sic sponte ipsis impenditis sibi deberi ex antiqua consuetudine asserentes, vos et monasteria vestra propter hoc multipliciter aggravatur [sic] et molestant. Nos igitur, vestris supplicationibus inclinati et volentes in hac parte quieti vestre paterna diligentia providere, ne quisdem prelates id quod sic gratiose impenditis a vobis ex debito seu prescripta consuetudine presumet exigere auctoritate presentium districtius inhibemus.' R. Fawtier, *Hand-list of Charters, deeds, and similar documents in the possession of the John Rylands Library*, vol. 1 (Manchester: Manchester University Press, 1925), 58. *OPD*, ed. Sayers, no. 479A. Also *OPD*, ed. Sayers, no. 527, BL Add Ch. 12778.

claiming money.<sup>468</sup> A number of sources give us evidence of the effort to disregard these privileges and to defend them. Matthew Paris noted that in 1240 Legate Otho sought to extract procurations from the Cistercians but faced opposition as they cited their privileges and indeed the orders that the pope had given him.<sup>469</sup> The register of Thomas Corbridge mentions that the archbishop wrote to numerous Cistercian houses informing them that he would visit but only once does his correspondence mention procurations.<sup>470</sup> The same register mentions that the official who visited Salley did not exact the usual 46s.<sup>471</sup> Writing at the end of the fourteenth century Thomas Burton noted that Cistercian procuration privileges were ignored and the monks were made to contribute towards the expenses of cardinals and other legates.<sup>472</sup> In 1360 a letter of Innocent VI ordered

<sup>468</sup> Register Holm Cultram, ed. Grainger and Collingwood, no. 290. See also Calendar of entries in the papal registers relating to Great Britain and Ireland, ed. W. H. Bliss, vol. 1 (London: HMSO, 1893), 359. Carlisle Record Office, Holm Cultram Cartulary, p262-3. Also BL Harley 3911, f. 156v, Harley 3891, f. 130. The letter is printed in Monasticon Anglicanum, ed. Dugdale, vol. 5, 230. The same right is affirmed in a letter which was addressed to Waverley and the English Cistercian houses. Les Registres d'Alexandre IV, ed. J. Loe and P. Cenival, vol. 2 (Paris: Bibliothèque des Écoles Françaises d'Athènes et de Rome, 1917), vol. 2, no. 2661. It also survives in University College Oxford, MS 167, f. 30v.

<sup>469</sup> 'Ipsoque anno (1240) legatus, ut pecuniae plus emungeret, apposuit et manum, ut a monachis Cisterciensis ordinis avaritiae suae satisfaceret, procuraciones instanter exigendo. Sed ipsi viriliter contradicendo, curiam Romanam, privilegiis suis innitentes, ut contra hanc improbitatem impetrarent, adierunt, literas eidem legato sub hac forma reportantes : Gregorius etc. legato Ottoni, etc. Licet tibi, si bene meminimus, nuper direxerimus scripta nostra, ut liceat tibi de monasteriis Cisterciensibus procuraciones exigere moderatas, indulgentia concessa eidem ordini non obstante ; quia tamen non est intentionis nostrae, nec credimus esse tuae, ut contra ipsorum indulgentiam procuraciones ab eis pecuniariae exigantur, mandamus quatinus cibus regularibus contentus absque esu carniū, cum ad eos accesseris, prout in praedicta indulgentia continetur, procuraciones pecuniarias occasione literarum huiusmodi non patiaris exigi ab eisdem.' Matthaei Parisiensis Chronica Majora, ed. Richards Luard, vol. 4, 81-2

<sup>470</sup> 'Mem. Quod scriptum fuit abbati et conventui de Rupe in forma consueta ad procurandum dominum sumptibus eorum prout ei debebatur ratione primi adventus die Sabbati proxima post festum sancti Jacobi apostoli (July 29 1301). Quo die dominus admissus fuit ibidem honorifice sumptibus eorum prout decuit.' The Register of Thomas of Corbridge, Lord Archbishop of York, 1300-1304, ed. W. Brown (Durham: Surtees Society, vol. 138, 1925), 56

<sup>471</sup> The official did not exact from Salley 46s due for visitation 'et occasione cuiusdam cautionis exposite pro eisdem et ut fertur commississe, 1303, March 25. The Register of Thomas of Corbridge, ed. Brown, vol. 138, 72

<sup>472</sup> 'Mortuo, ut praefertur, Innocentio papa 3, Honorius 3, natione Romanus, in eius cathedram substitutus, ista privilegia praeter alia prius nobis concessa specialiter indulgebat; inhibendo ne legati sedis apostolicae procuraciones pecuniarias a monasterio nostro exigere vel extorquere praesumerent, sed cum ad domum nostrum accesserint sine usu carniū cibus regularibus sint contenti. Sed tamen ista privilegia ad cassationem reducuntur, praecipue cum singulis annis nuntio camerae domini papae in Anglia, sicut et caetera monasteria istius dioceseos cuiuscunque sint ordinis, 7 solidos persolvamus, praeter alia

William de Grenlaw, a papal nuncio, to return any procurations he had taken from English Cistercians.<sup>473</sup> These five instances show the struggle that could take place as houses often sought to stand upon their rights under pressure. Certainly monasteries were able to cling to their privileges and avoid paying charges they were exempt from. At other times they were powerless to oppose the demands placed upon them. Limited evidence means it is impossible to verify the hypothesis that the Cistercians were more effective at defending their rights early in the thirteenth century and that they caved in only by the end of that century. If the evidence of the Meaux chronicle is taken as accurate then by the end of the thirteenth century the situation was bleak and the privilege widely ignored.

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extraordinaria onera, expensas cardinalium et aliorum legatorum ad regnum Angliae venientium, cum acciderit.' *Meaux Chronicle*, ed. Bond, vol. 1, 433

<sup>473</sup> *Calendar of entries in the papal registers*, ed. W. H. Bliss and C. Johnson, vol. 3, 633

## Eating Meat

Hospitality regulations affected food and diet. The Rule of St. Benedict stated 'Let every one abstain altogether from the flesh of four-footed animals, except the very weak and the sick.'<sup>474</sup> The statutes of the Cistercian General Chapter often repeated regulations about monks not being able to eat meat<sup>475</sup> and disciplined those who broke the rules.<sup>476</sup> The statutes legislate about feeding secular guests,<sup>477</sup> disciplining those who gave them meat.<sup>478</sup> It is crucial to realise that the regulations concerning eating meat were modified and relaxed from the fourteenth century onwards.<sup>479</sup> This relaxation is referred to in papal letters.<sup>480</sup> An example of this relaxation in practice can be seen in a letter written by the

<sup>474</sup> 'Carnium vero quadrupedum omnimodo ab omnibus abstineatur comestio, praetor omnino debiles et aegrotos.' *The Rule of St. Benedict*, ed. And trans. A. Parry (Herefordshire: Gracewing, 2000), Chapter 39.

<sup>475</sup> *Statuta*, ed. Canivez, 1195:49; 1222:7; 1224:3; 1233:64; 1271:73; 1282:24; 1311:2; 1312:1; 1315:2; 1331:9,11; 1342:4

<sup>476</sup> 'Quoniam fide digna relatione innotuit Capitulo generali, abbatem Scalae Dei carnes contra instituta Ordinis et regulam comedisse, auctoritate Capituli generalis tribus diebus uno eorum in pane et aqua, poenitentiam peragat levis culpae.' *Statuta*, ed. Canivez, vol. 3, 1282: 24. Other instances regarding the punishment of those who transgressed this rule can be seen. *Statuta*, ed. Canivez, 1195:49; 1205:38, 42; 1206:20; 1207:23; 1209:2; 1230:8; 1231:4; 1263:5; 1270:3; 1275:32; 1277:21; 1289:7; 1299:5; 1306:1; 1307:1; 1320:5; 1328:6; 1331:9; 1332:4; 1335:(bulla)22; 1350:8

<sup>477</sup> *Statuta*, ed. Canivez, 1194:32; 1218:23; 1222:42; 1225:38; 1232:22; 1257:12; 1319:4. The statute for 1319:4 reads, 'Item, quia temerarium est terminus quos sancti patres provide posuerunt transgredi, districtiori modo quo potest sub poena excommunicationis prohibet Capitulum generale personis Ordinis universi, ne Ordinariis vel praelatis aliis carnes in monasteriis ministrentur, cum talis abusus contra Ordinis honestatem et mentem Sedis Apostolicae nec sit dubium militare.'

<sup>478</sup> *Statuta*, ed. Canivez, 1232:22; 1257:12

<sup>479</sup> *Statuta*, ed. Canivez, 1336:3; 1337:2; 1369:1; 1371:1; 1375:3; 1377:1; 1408:23; 1409:36; 1411:22, 23; 1413:43, 85; 1422: 30, 31; 1425:69; 1430:15, 60; 1437: 44, 45; 1439: 55, 96, 200; 1448:3; 1449:70; 1459:79; 1460:126; 1464:11; 1468:20; 1481:61; 1486:74-7; 1493:24; 1497:36; 1517:21. *Food in Medieval England: Diet and Nutrition*, ed. C. M. Woolgar, D. Serjeantson and T. Waldron (Oxford: Oxford University press, 2006), 221, 226

<sup>480</sup> *Statuta*, ed. Canivez, 1335: (bulla) 22. Benedict XII gave members of the Cistercian Order the privilege of eating meat in the infirmary on great occasions when in good health and in the abbots lodging by invitation. *Sallay Cartulary*, ed. McNulty, vol. 2, 188 (1335). For a discussion of these developments see J. McNulty, "Constitutions for the reform of the Cistercian Order, 1335," *Transactions of the Lancashire and Cheshire Antiquarian Society*, 57 (1943-44), 162-3. Also John XXII wrote to Sallay permitting Sallay monks to eat meat on lawful days when out of the monastery for a reasonable cause, *Sallay Cartulary*, ed. McNulty, vol. 2, 101-2 (5Dec, 1412)

abbot of Hailes to the abbot of Cîteaux in 1480.<sup>481</sup> The position of Cistercian houses and the consumption of meat raises interesting questions about the implementation of papal privileges.

Honorius III's letter which we referred to as prohibiting the payment of procurations ordered that guests should abstain from meat and be content with regular fare.<sup>482</sup> Gregory IX wrote to the Cistercian Order demanding that laymen should not expect an enlarged diet when they ate at a monastery.<sup>483</sup> Innocent IV and Alexander IV both forbade anyone from demanding to be served meat or any other articles of food not contained in ordinary conventual diet.<sup>484</sup> These papal privileges were in line with the decrees of the annual general chapter and were requested to aid the Cistercians in implementing their rules in the face of the opposition of guests. It was the monastery which was disciplined when they agreed to serve meat to guests. The guests do not appear to have been pursued. The papal letters were probably used to placate guests and to seek to persuade them by appealing to sanctions and a higher authority. The letters themselves came into existence due to the difficulties houses faced as they tried to enforce their statutes. These difficulties can be seen in letters written by the archbishop of York to inform Rufford and

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<sup>481</sup> 'Item cum monasterium de Bruera longe distat a mari et fluminibus, in tantum quod copiam piscium abbas et monachi ibidem degentes habere nequeunt, magnamque proinde diebus piscium de victualibus paciuntur penuriam eapropter devote supplicarunt quatenus ipsis utendi carnibus in septuagesima licenciam misericorditer concedatis.' *Letters from English Abbots*, ed. Talbot, 78. That food regulations were still in observance can be seen as Robert Sothayk or Sitthayk, 1351-1373 asked the pope for a licence to eat flesh meat on lawful days, he being weakened by toils and sickness. His petition was granted. *Some Records of a Cistercian Abbey: Holm Cultram*, ed. G. E. Gilbert (London: Scott, 1899), 115

<sup>482</sup> Orange, "Meaux Cartulary", no. 24

<sup>483</sup> *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 576-7

<sup>484</sup> Innocent IV: The letter is recorded at *Furness Coucher*, ed. Atkinson, vol. 1, 599; Fountains, University College Oxford, MS 167, f. 23v; Meaux, Orange, "Meaux Cartulary", no. 51; in *OPD*, ed. Sayers, nos. 250 and 271. A similar letter of Innocent IV to the Cistercians is recorded at Sibton, *Sibton Cartularies*, ed. Brown vol. 2, no. 456. This also survives at Orange, "Meaux Cartulary", no. 46. Alexander IV: University College Oxford, MS 167, f. 31; Orange, "Meaux Cartulary", no. 65

Kirkstall that he would be visiting them and would be expecting to be fed either meat or fish.<sup>485</sup> The regulations and privileges seem to have worked when the bishop of Winchester came to Waverley in 1274. The annals record that the bishop ate with the monks and no reference is made to any dispute over the food provided or any discipline that the monks incurred as a result of their actions.<sup>486</sup> That is, unless, the monks of Waverley were hypocrites, as Gerald of Wales accused the Cistercians of being. Gerald said that while the Cistercians appeared austere and gave most visitors frugal fare, in secret they and their chosen guests dined on rich delicacies.<sup>487</sup> The financial records of Beaulieu Abbey for 1269-70 show it was exceptional for Cistercian monks to eat meat, although lay servants and those in the infirmary might.<sup>488</sup> The later relaxation of the rules is referred to in the Meaux Chronicle. Burton comments that the abbey had long been in the habit of eating meat at the times of the year when it was not universally prohibited.<sup>489</sup>

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<sup>485</sup> 'Abbati et conventui de Rufford. Quia in itinere nostro versus Suwelliam, ubi instans festum Nativitatis dominice per Dei gratiam celebrare intendimus, in quo, quesumus, vestra, domine abbas, votiva presenciam nobis faciat comitivam, ad domum vestram de Rufford die Jovis proxima ante festum predictum proponimus declinare, hospiciam, nobis sumptibus vestris ratione primi adventus nostri ut nostis debitum, in esu carniarum vel pisciarum prout vobis placuerit recepturi. Vos super hoc amabiliter tenore presenciarum premunimus, ut interim parare possitis omnia que incumbunt.' *The Register of Thomas of Corbridge*, ed. Brown, vol. 138, 209. This example could be taken to imply flexibility. Similar examples to the above include a notice to Kirkstall for June 20: '2 kal Junii (May 31, 1301) Kerkam. Ad premuniendum abbatem et conventum de Kirkestall' quod parent contra adventum domini archiepiscopi ratione primi adventus sui. Abbati et conventui de Kirkestall'. Quia die Martis proxima ante festum nativitatis beati Johannis baptiste (June 20) ad domum vestram de Kirkestall' proponimus per Dei gratiam declinare hospitativam, nobis ratione primi adventus nostri vestris debitum sumptibus in esu carniarum vel pisciarum, prout vobis placuerit, recepturis, vos super hoc premunimus amabiliter per presentes, ut interim parare possitis omnia que incumbunt. Valete.' *The Register of Thomas of Corbridge*, ed. Brown, vol. 138, 51. In other letters which he wrote to monasteries informing them of his desire to receive hospitality from them he did not mention either meat or fish. One example to Jervaulx will suffice. 'hospiciam sumptibus vestris, ut nostis, nobis ratione primi adventus nostri debitum recepturi. Quo die dominus fuit admissus eorum sumptibus cum honore.' *The Register of Thomas of Corbridge*, ed. Brown, vol. 138, 285

<sup>486</sup> 'Hoc anno in Coena Domini confectum est sacrum crisma apud Waverleiam a viro venerabili Nicholao episcopo Wintoniensi, qui eodem die in refectorio cum conventu comedit.' *Annales Monastici*, ed. Richards Luard, vol. 2, 383-4

<sup>487</sup> *Gerald of Wales Opera*, ed. J. S. Brewer, vol. 3 (London: Rolls Series, 21, 1863), 208-9

<sup>488</sup> *Food in Medieval England*, ed. Woolgar, Serjeantson and Waldron, 194-5

<sup>489</sup> 'Abstinentiaque ab esu carniarum sic frustratur; cum inter nos ipsos consuetudo inolevit quod nos, more saecularium, ab esu carniarum minime sequestramus, illis saltem diebus quibus ipsi earundem comestione licite perfruuntur, Adventu Domini et Septuagesima dumtaxat exceptis.' *Meaux Chronicle*, ed. Bond, vol.



As with procurations the Cistercians certainly faced opposition as they sought to implement and maintain their statutes. The very presence of the above papal letters is testimony to that. These letters were not always ignored. In 1309 Blanche, Countess of Richmond, acquired a papal letter allowing her access to Cistercian houses where she could eat as if she was not in a religious house.<sup>490</sup> She felt she needed a papal privilege in order for her to be able to eat without restriction. Looking at regulations about eating meat we are reminded that papal letters or specific grants could fall out of use if the customs of the Order developed to nullify a particular grant.

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1,434. The relaxation of regulations regarding eating meat can also be seen in the accounts of Fountains abbey which notes the beasts that were slain in the kitchen. 'Expensa Aueriorum in coquina a festo s'ci Martini 55 usque ad festum s'ci Martini 56- Tauri viii, Boves xxv, Bouett' xvii, Vaccae iii<sup>x</sup>xi, Juuencae iii, ad portam i Taurus.'<sup>489</sup> (dated between 1446-1458) *Memorials of Fountains*, ed. Walbran, vol. 3, 253. Also see beasts slain in kitchen, *Memorials of Fountains*, ed. Walbran, vol. 3, 227, 229, 230, 232.

<sup>490</sup> *Calendar of entries in the papal registers*, ed. Bliss, vol. 2, 55

## Women

A matter which was closely connected with hospitality and the eating of meat is whether women were allowed into the monastery and could take advantage of hospitality within the walls. In the statutes of the general chapter this was repeatedly banned. Restrictions were put in place to prevent women from entering the monastery,<sup>491</sup> the house<sup>492</sup> and even granges.<sup>493</sup> Particular mention was made that women were not to be permitted to stay overnight and severe penalties were given for this infringement.<sup>494</sup> St Bernard spoke against men and women living under the same monastic roof and against lay-brothers working in the company of women.<sup>495</sup> A large number of cases where these rules were violated are mentioned in the statutes of the general chapter, along with the punishments which were imposed as a result.<sup>496</sup> Concessions were given for two reasons. Women were allowed to enter the monastery when churches were being dedicated<sup>497</sup> and by special permission from the Papacy.<sup>498</sup> It seems strange that restrictions and punishments for

<sup>491</sup> *Statuta*, ed. Canivez, 1157:58; 1194:31; 1199:44; 1205:23; 1212:64; 1231:5; 1274:57. *Narrative and legislative texts*, ed. Waddell, 460

<sup>492</sup> *Statuta*, ed. Canivez, 1180:13; 1185:34; 1191:73; 1193:69

<sup>493</sup> *Statuta*, ed. Canivez, 1196:11; 1215:43; 1217:26, 30; 1218:46, 1297: 3

<sup>494</sup> *Statuta*, ed. Canivez, 1154:24; 1205:59; 1236:36; 1250:23; 1253:33

<sup>495</sup> 'I implore you by the blood of Christ shed for souls to beware of the fearful danger incurred by souls bought at so great a price, when men and women live together under the same roof. It is a danger especially feared by those who have learned from long experience of the devil's wiles to say with the Apostle: 'We know well enough how resourceful is Satan.' The experience you have had of this brother's fall, about which you have consulted me, should have taught you to pay especial heed to the advice or rather command of the Apostle to 'keep clear of fornication.'.... I refer to that mill where the lay-brothers in charge have to submit to the company of women. If I am to be trusted there are only three courses open to you. Either you forbid all access to women or you put the mill in charge of outsiders and not lay-brothers or else you give it up completely.' *The Letters of Bernard of Clairvaux*, trans. and ed. B. S. James (Stroud: Sutton, 1998), 81

<sup>496</sup> *Statuta*, ed. Canivez, 1190: 46, 55, 74; 1191:5, 22; 1192:50, 55; 1193: 12, 18, 28, 34, 41; 1194:27; 1195: 69, 71, 83, 85; 1197:6; 1198:4; 1199:72; 1200:46; 1201:16; 1205:10; 1206:15, 64; 1207:17, 22; 1208:11; 1209:23; 1210:20; 1212:1; 1216:18; 1222:23; 1225:37; 1251:63; 1252:42; 1279:24

<sup>497</sup> *Statuta*, ed. Canivez, 1157:10; 1209:23; 1214:53; 1226:3

<sup>498</sup> *Statuta*, ed. Canivez, 1201:38; 1234:48; 1240:14; 1262:11; 1274:18. Williams discusses the fact that women were only allowed to enter Cistercian monasteries in certain circumstances. D. H. Williams,

infringement vanish from the statutes of the general chapter at the end of the thirteenth century. This is particularly odd considering the regularity with which steps were taken against women entering the monasteries from 1190-1216. Restriction on the entrance of women can be seen in Meaux in the fourteenth century in rights to visit a crucifix which was said to perform miracles.<sup>499</sup> In 1521 the abbot of Combe wrote to the general chapter requesting that women be banned from monasteries for a year as it was causing problems and the rules of the Order were being abused.<sup>500</sup> This suggests that these rules were no longer in force.

As with the privileges concerning eating meat papal letters were produced to aid the enforcement of the statutes of the Order. Gregory IX and Innocent IV ordered that women should not enter Cistercian houses.<sup>501</sup> The privileges specifically mention the statutes of the order twice. The very existence of these letters shows that the statutes were

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"Layfolk within Cistercian precincts," in *Monastic Studies*, ed. J. Loades, vol. 2 (Bangor, Gwynedd: Headstart History, 1991), 111-5

<sup>499</sup> 'Unde tunc etiam putabatur quod, si mulieres ad dictum crucifixum accessum haberent, augmentaretur communis devotio, et in quam plurimum commodum nostri monasterii redundaret. Super quo abbas Cistercii a nobis requisitus, suam licentiam nobis impertivit ut homines et mulieres honestae accedere possent ad dictum crucifixum, dum tamen mulieres per claustrum et dormitorium seu alia officina intrare non permittantur, nisi fundatrix, uxor aut filia, vel uxor filii fundatoris, exsisterent: quibus etiam nec aliis infra limites abbatis pernoctare, aut ante primam vel post completorium non liceat commorare. Atque si secus fecerimus, de caetero prout et tunc praedictam licentiam revocavit. Cuius quidem licentiae praetextu, malo nostro, feminae saepius aggrediuntur dictum crucifixum, praecipue cum in eis frigescat devotio, dum illuc ut ecclesiam tantum introspectant accesserint, et sumptus nostros augeant in hospitacione earundem.' *Meaux Chronicle*, ed. Bond, vol. 3, 35-6.

<sup>500</sup> *Letters from English Abbots*, ed. Talbot, 263

<sup>501</sup> Gregory IX letter is recorded at *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 576-7 and University College Oxford, MS 167, f. 32. Innocent IV letter is found at *Sibton Cartularies*, ed. Brown, vol. 2, no. 456, Orange, "Meaux Cartulary", no. 46. Both papal letters have the following clause: 'Preterea quidam ex ipsis et alii carnes comedere in vestris domibus ac mulieres etiam easdem domos ingredi contra instituta vestri ordinis non verentur propter quod et quies monastici ordinis perturbatur et grave commissis vobis monasteriis imminet detrimentum, quare nobis humiliter supplicastis ut super hiis paterna providere sollicitudine curaremur [sic] (dignaremur in furness) nos igitur et vestre providere quieti et molestancium maliciis obviare volentes auctoritate presencium districtius inhibemus ne quis a vobis premissa exigere vel extorquere aut in vestris domibus uti carnibus seu mulier aliqua eas intrare presumat contra ipsius ordinis instituta (the furness copy does not include the final phrase contra ipsius ordinis instituta.)' Orange, "Meaux Cartulary", 74, *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 576-7.

often questioned and broken on the ground. Monasteries would have found it hard to exclude female patrons and the wives of local potentates particularly as they would be looking to those same individuals for patronage in the future. It is a brave monk who bites the hand that feeds him, whether by restricting the consumption of meat or preventing the entry of women.

The two exceptions that have been mentioned are visible in the surviving historical record. The abbot of Fountains confirmed, in 1401, an indulgence granted to Kirkstall by the pope allowing the entry of women into the church on certain days, provided that they were not allowed, by the abbot or the monks, to visit other parts of the monastery.<sup>502</sup> In 1244 the Queen Mother of France, Blanche of Castile, came to the general chapter as she possessed a papal privilege that permitted her and twelve women to enter Cîteaux at the time of the general chapter.<sup>503</sup> Eleanor, wife of Simon de Montfort, came to Waverley,

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<sup>502</sup> Barnes, *Kirkstall Abbey*, no. 66. 'Universis ad quos presentes litterae pervenerint frater Robertus, abbas monasterii beatae Mariae de Fontibus, pater abbas Monasterii beatae Mariae de Kyrkestall, ad plenariam jurisdictionem habens in eodem, salutem et fidem credulam in subscriptis. Licet, per instituta nostri ordinis, ingressus mulierum infra septa abbathiarum predicti ordinis, sub paenis gravibus sit prohibitus, nos tamen salutem animarum cupientes, quam tam viri quam mulieres indubie consequenter, qui ecclesiam dicti monasterii de Kyrkestall, certis diebus in anno, contigerit personaliter visitare, prout in quibusdam indulgenciis per papam Bonifacium nonum inde concessis planius est insertum; ingressum mulierum, prescriptis diebus ad dictam ecclesiam solomodo, volumus pro tempore tollerare: sic tamen quod ad nullas alias domos infra septa dicti monasterii, neque per abbatem neque per aliquem monachum dicti monasterii introducantur, sub poenis in institutis sepedicti ordinis limitatis; quas videlicet poenas volumus et decernimus per presentes, tam abbatem quam monachos prefati monasterii, si in praemissis reperti fuerint culpabiles, irremissibiliter sustinere. In quorum omnium testimonium, sigillum nostrum praesentibus apposuimus. Data apud Monasterium nostrum de Fontibus, quinto die Marcii, anno Domini millesimo quadringentesimo primo.' *Memorials of Fountains*, ed. Walbran, vol. 1, 205

<sup>503</sup> 'Imminente vero sancti Michaelis festivitate, convenientibus, ut moris est, de diversis regionibus abbatibus ordinis Cisterciensis ad suum capitulum generale, venit illuc devotissime dominus rex Francorum, precum suffragia ab omnibus ipsis monachis congregatis petiturus. Comitabatur autem eum nobilis domina Blanchia mater eius, quae a domino Papa privilegium impetraverat, ut liceret ei domos religiosas Cisterciensis ordinis cum duodecim mulieribus orandi gratia intrare.' *Matthaei Parisiensis Chronica Majora*, ed. Richards Luard, vol. 4, 391.

with her husband and two sons and afterwards made an offering to the abbey.<sup>504</sup> Eleanor of Provence, Henry III's queen, received two letters that permitted her to enter Cistercian houses. The first, dated 25 April 1244, allowed her to enter Cistercian oratories and cloisters for the purpose of prayer with ten honest women.<sup>505</sup> The statutes of the general chapter stated that even when a women possessed privileges to allow her to enter a Cistercian monastery she would not be permitted to sleep there, or indeed eat meat.<sup>506</sup> This explains a second letter that Eleanor acquired in 1250. This allowed her and her ladies to spend the night at a Cistercian house should the need arise.<sup>507</sup> Both letters stated that these grants were given notwithstanding the statutes of the Cistercian Order. This gave the Cistercian houses the capacity to turn individuals with these privileges away. They would have found it difficult to do this. The second ground that permitted women to enter Cistercian monasteries was at the time abbey churches were being dedicated.

<sup>504</sup> 'Hoc anno, Dominica in Ramis palmarum, quae primo die Aprilis illuxit, Alienora comitissa Leycestriae, soror viz. regis Henrici quarti [sic] domus nostrae sincerissima amatrix, per indulgentiam summi Pontificis devotissime ingressa est abbatiam nostrum, habens in comitatu suo piissimum virum maritum suum, Symonem de Monteforti comitem Leycestriae, et duos filios suos Henricum et Symonem cum tribus ancillis; ad cuius ingressum illud nonnullis notabile noscitur contigisse; quia cum intra ostium ecclesiae pedem posuisset, statim e contra ad magnum altare, ubi missa de beata Virgine tunc celebrabatur, a sacerdote hostia salutaris in hora consecrationis elevabatur, quod non casui sed divinae dispositioni credimus ascribendum; ut cuius amor eam illuc adduxit, benignissima ipsius praesentia prompte se offerret requirenti. Obtulit illico pannum satis pretiosum, quem assignavit ad superponendum altari, diebus quibus reliquiae ibidem ponuntur. Interfuit sermoni in capitulo, processioni, et missae majori, et ligno Domini deosculato, plurimum edificata recessit. Post quidem habuimus ex dono ipsius quinquaginta marcas, et ad fabricam ecclesiae decem et octo marcas; et ad perquisitionem centum et quinquaginta acrarum apud Netham per ipsius auxilium attigimus.' *Annales Monastici*, ed. Richards Luard, vol. 2, 336

<sup>505</sup> 'Innocentius episcopus servus servorum dei, carissimae in Christo filiae... Reginae Anglorum illustri, salutem et apostolicam benedictionem. Illa personam tuam praerogativa prosequimur gratiae specialis, quod preces tuas, praesertim quae in se opus continent pietatis, libenter admittimus, quantum cum deo et nostra possumus honestate. Tuae itaque devotionis precibus inclinati, praesentium tibi auctoritate concedimus, ut, cum interdum, causa devotionis, ad nonnulla Cistercien' et aliorum religiosorum monasteria regni Angliae divertere te contingat, liceat tibi, cum decem bonis et honestis mulieribus, orationis causa, oratoria et claustra ingredi eorundem; consuetudine aliqua vel statuto confirmato per sedem apostolicam, seu firmitate alia non obstante. Etc.' T. Rymer and R. Sanderson, *Foedera, Conventiones, Litterae*, ed. A. Clarke and F. Holbrooke, vol. 1, part 1 (London: Record Commission, 1816), 252. *OPD*, ed. Sayers, no. 262. Similar instances can be seen in the fourteenth century under Clement V and John XXII. See *Calendar of entries in the papal registers*, ed. Bliss, vol. 2, 55, 129. McDonald, "Relations", 69

<sup>506</sup> *Statuta*, ed. Canivez, 1250:23

<sup>507</sup> *OPD*, ed. Sayers, no. 368

Eleanor can be seen doing this in 1246 at the dedication of the church at Beaulieu.<sup>508</sup> She was also present at the dedication of Hailes in 1251.<sup>509</sup>

The events following the dedication of Beaulieu provide an excellent example of the difficulty of implementing the rules and privileges Cistercians possessed. The future Edward I, at that point about seven years old, became ill while the queen, who was devoted to her son, was at Beaulieu for the dedication.<sup>510</sup> She refused to leave the monastery. Instead she insisted upon remaining there until he recovered. She stayed for three weeks. The calendar of Liberate rolls records that 20l was released to cover her expenses while she dwelt at Beaulieu.<sup>511</sup> The annals of Waverley record the incident. They tell us that she stayed over night against the statutes of the Cistercian Order and we know that at this point she did not possess a papal privilege that gave her this right. At the following visitation the prior and cellarer were both deposed because they had permitted this rule and the meat eating regulations to be broken.<sup>512</sup> Despite the existence of the statutes of the Order and several papal privileges which forbade women to stay overnight Eleanor ignored those rules and was able to flout them for three weeks. The monks either

<sup>508</sup> Matthaei Parisiensis Chronica Majora, ed. Richards Luard, vol. 4, 562, and The Beaulieu Cartulary, ed. Hockey, no. 3

<sup>509</sup> Annales Monastici, ed. Richards Luard, vol. 2, 343

<sup>510</sup> M. Prestwich, Edward I (London: Methuen, 1988), 6

<sup>511</sup> 'To William Passelewe *contrabreve* to cause Robert de Mucegros to have 20l out of the issues of the lands in William's keeping late of B formerly earl of Devon, to pay the queens expenses in dwelling at Beaulieu on account of the illness of Edward the king's son.' Calendar of Liberate Rolls: Henry III, ed. J. B. W. Chapman, vol. 3 (London: Published by His Majesty's Stationery Office, 1937), 65

<sup>512</sup> 'MCCXLVI Dedicata est ecclesia Belli Loci regis xv kal Julii, a domino Willelmo Wintoniensi episcopo, praesentibus venerabilibus Bathoniensi, Exoniensi, Cicestrensi episcopis, praesente etiam domino rege Anglorum Henrico quarto cum regina et liberis, ac magnatibus multis. Peracta dedicatione, primogenitus regis, Edwardus scilicet, infirmatus est, cum quo regina mater eius Alienora fere per tres hebdomadas in eadem domo contra Cisterciensis ordinis statuta pernctando perendinavit. Quam ob causam in proxima visitatione sequenti, prior et cellarius depositi sunt, quia eorum permissione haec transgressio videbatur fulciri; insuper et quia tempore dedicationis saecularibus contra ordinis disciplinam carnes administrabantur.' Annales Monastici, ed. Richards Luard, vol. 2, 337

were not able to remove her or simply did not try to do so, given her authority as queen of England. The privileges were ignored and failed to dictate what happened on the ground. The statutes were enforced in another way, by the consequences for the men responsible. This incident shows us that the system of visitation worked to punish those houses which infringed the statutes of the Order. It demonstrates the effectiveness of the system, if also a certain harshness. This gives us strong evidence in favour of enforcement practically happening.<sup>513</sup> Two men lost their jobs as a result of the rules being broken.

One can see why a monastery would want a copy of the above papal letters. Those letters would have had more force than the statutes of the Cistercian Order. Where those statutes could only discipline members of the Order the papal letter with its cursing clause for those who disobeyed carried a much greater weight. Monks would have wanted the privilege in the hope that people who would have no qualms about breaking Cistercian statutes, might well be less willing to disobey the apostles Peter and Paul and his successors. Despite the fact that statutes and privileges had been ignored on this occasion, Eleanor may have realised that the situation created had been awkward, and would later request and gain a papal privilege that gave her the right to stay overnight at a Cistercian house. She clearly wished to obey the rules or felt that it was necessary. She was willing to go to the trouble and expense of gaining a privilege giving her permission to sleep in a Cistercian house.

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<sup>513</sup> This situation needs to be qualified by instances of disobedience which were not dealt with. Women were also forbidden entry as servants, even milkmaids (*Statuta*, ed. Canivez, vol. 1, 67) but Meaux had several female servants by 1400 (*Meaux Chronicle*, ed. Bond, vol. 3, lxix-lxxii). Orange, "Meaux Cartulary", 74-5

This might suggest that her exceptional stay at Beaulieu proves the rule that usually the privileges were effective in keeping women out. Certainly the other evidence of individuals gaining privileges in order to be permitted to enter Cistercian houses suggests that the statutes and privileges which forbade their entrance were more than simply dead letters. At Meaux a chapel in a wood nearby was used by women to alleviate the problem caused by statutes that excluded them from the monastery.<sup>514</sup> This demonstrates that the statutes were enforced and that the monastery sought to provide incentives to go along with the stick of their privileges to further encourage the observance of their rules.

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<sup>514</sup> Orange, "Meaux Cartulary", no. 143



## Joining the Monastery

Gerald of Wales claimed that women were admitted to Cistercian monasteries. He said they were tonsured for money.<sup>515</sup> Evidence of this actually happening, or at least the fact that women were allowed to be clothed in a Cistercian habit on their deathbed, can be seen in the cases of Alice de Gant and Matilda de Braose at Fountains and Llanbadarn Fawr respectively.<sup>516</sup> Cistercian privileges included rights about who could join their monasteries (at least as far as men were concerned). The evidence appears in eleven of the sixteen houses who have papal letters up to 1181.<sup>517</sup> The abbeys are all given unrestricted authority to admit freemen who are permitted to join the monastery as they see fit. No one was to gainsay the abbot's decision. The qualification was that the individual entering the monastery was to be freeborn and without obligation.<sup>518</sup> The seventh canon of Lateran III (1179) states,

'Now we have learnt from the strongly worded complaints of our brethren and fellow bishops that the Templars and Hospitallers, and other professed religious, exceeding the privileges granted them by the apostolic see have often disregarded Episcopal authority, causing scandal to the people of God and grave danger to souls.... On the occasion also of the brotherhoods which they establish in many places, they weaken the bishops' authority, for contrary to their decision and under cover of some privileges they seek to

<sup>515</sup> *Geraldi Cambrensis opera*, ed. Brewer, vol. 4, 179-180, 200

<sup>516</sup> Burton, *Monastic and Religious Orders*, 217

<sup>517</sup> This time seventeen of the thirty-nine letters have the clause.

<sup>518</sup> 'Si qua vero libera et absoluta persona pro redemptione anime sue vestro monasterio se conferre voluerit, suscipiendi eam liberam facultatem habeatis.' *Papsturkunden in England*, ed. Holtzmann, vol. 1, no. 182. Papal letters dating after 1172 include a similar statement to the one quoted in the text above. It reads, 'Liceat quoque vobis clericos vel laicos e seculo fugientes liberos et absolutos ad conversionem recipere et eos in vestro monasterio absque contradictione alicuius retinere.' *Papsturkunden in England*, ed. Holtzmann, vol. 1, nos. 115, 139, 148 and vol. 3, no. 192

defend all who wish to approach and join their brotherhood. In these matters, because the faults arise not so much with the knowledge or advice of the superiors as from the indiscretion of some of the subjects, we have decreed that abuses should be removed and doubtful points settled... We declare that those who are excommunicated, or interdicted by name, must be avoided by them and all others according to the sentence of the bishop.'<sup>519</sup>

On the one hand the clause permits the monastery to admit whomever it wishes without external interference. On the other it safeguards the authority of the bishop and does not permit the monks to ignore their corrective sentence. This legislation was expanded upon twice in later papal letters. The first is a letter from Honorius III. It clearly echoes the language of the letters of Alexander III which spoke of 'e seculo fugientes liberos... recipere.' Honorius forbade chaplains from exacting mortuary fees from free persons intending to follow a monastic vocation in 1221.<sup>520</sup> One source of income which a priest was able to claim was the mortuary fee upon the death of an individual.<sup>521</sup> Once an individual entered a monastery he gave up his possessions, usually to his family, the poor

<sup>519</sup> *Decrees of the Ecumenical Councils*, ed. Tanner, vol. 1, 215

<sup>520</sup> 'Significastis siquidem nobis quod in quibusdam partibus consuetudo detestabilis inolevit, videlicet quod cum aliqui aemulantes carismata meliora monasteria ordinis vestri volunt causa religionis intrare ut ibi Domino famulentur capellani eorum donec ab ipsis pecuniam quae mortuarium nuncupatur extorqueant prout a parochianis suis decedentibus consueverunt accipere, illis temere se opponunt, qua re super nostrae providenciae remedium flagitastis. Volentes igitur abusum corruptelae huiusmodi aboleri auctoritate vobis praesencium indulgemus, ut capellanorum contradiccione huiusmodi non obstante, liberas personas ad vos e seculo fugientes libere recipere valeatis.' This survives in the Meaux, Holm Cultram and Fountains cartularies. The copies in the Meaux and Fountains cartulary are addressed to the individual houses while the copies in the Holm Cultram cartularies are to the Cistercian Order generally. Orange, "Meaux Cartulary", no. 27 (15 July 1221), 30 (6 April, 1224) and 33 (6 April, 1224). Fountains, University College Oxford, f. 35 (10 April, 1224). Holm Cultram in BL Harley 3911, f. 149; Harley 3891, f. 116v and Carlisle Record Office, Holm Cultram Cartulary, p255. This is printed in *Monasticon Anglicanum*, ed. Dugdale, vol. 5, 235. The same letter is in *Regesta Honorii Papae III*, ed. P. Pressutti, vol. 1 (New York: Georg Olms Verlag, 1978), 293, no. 1767 dated 23 December 1218 to the Cistercian Order.

<sup>521</sup> J. R. H. Moorman, *Church Life in England in the Thirteenth Century* (Cambridge: Cambridge University Press, 1955), 130-1. Clergy expected fees to be paid on the occasion of baptisms, burials, marriages etc. C. R. Cheney, *From Becket to Langton* (Manchester: Manchester University Press, 1965), 161. Money was also paid at confessions. Cheney, *From Becket to Langton*, 162

or the monastery.<sup>522</sup> The priest lost the income he would have received when that man died. One can see why the priest would seek to claim the mortuary fee and why it would be opposed so that all the individual's previous possessions would go where he wished.

No sources that I have uncovered reveal an external attempt to prevent an individual entering a Cistercian house, either upon grounds that they were not absolved or by a priest demanding a fee. Some individuals gave either money or land and then the monastery granted either the potential permission or the permission for an individual to join the monastery. The Third Lateran Council prohibited an individual being received as a monk for money.<sup>523</sup> Individuals or their families can be seen making grants in connection with entrance into a house. In a grant to Byland by Roger Cosin and his wife it is stated that should he wish to convert during his life the monks will receive him.<sup>524</sup> This practice appears to have been very rare. Holdsworth suggests that for Rufford just under five percent of documents in the Rufford Charters mention some form of particular spiritual return. A much smaller proportion dealt with land grants being connected in any

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<sup>522</sup> The Rule of St. Benedict, ed. and trans. Parry, chapter 58.

<sup>523</sup> Canon 10: Monks are not to be received in a monastery for money nor are they allowed money of their own ... If anyone when demanded gives something for his reception, let him not proceed to sacred orders and let the one who has received him be punished by loss of his office. Decrees of the Ecumenical Councils, ed. Tanner, vol. 1, 217

<sup>524</sup> This dates between 1160 and 1170 so occurred before the Third Lateran Council. Byland Cartulary, ed. Burton, no. 343. Byland Cartulary, ed. Burton, no. 491 shows a grant being made to the monastery by two men when they were accepted into the religious life (1158x1181). Byland Cartulary, ed. Burton, no. 1144 has an instance of a grant being made by a family member as an individual entered the house. C. 1172x1214. There is an instance in the Sallay cartulary dated before 1222 where a man gives a pasture in Stainford for 100 sheep and 5 cows and in return the monks receive him into the brotherhood. Sallay Cartulary, ed. McNulty, vol. 1, no. 314. Examples in Rufford can be seen late c12, Rufford Charters, ed. Holdsworth, no. 26; c1200-1209, no. 176; between 1161-73, no. 202, 1150-74, c1153-83, no. 743; no. 824; c1200-1203, no. 971; (1164-1205), no. 976. There are a number of similar references in the cartulary of Old Wardon, these all dates within the same timescale as the material already mentioned in this footnote. The editor gives ten references to this happening. The Cartulary of the Cistercian Abbey of Old Wardon, Bedfordshire, ed. G. H. Fowler, (Manchester: Manchester university Press, 1931), 359

way with entrance into the house.<sup>525</sup> Nevertheless the rule of St. Benedict did stipulate that one of the options for an individual entering a monastery was to give his property to that house. In that case one can see why the monastery would wish to gain a privilege which prevented a priest from claiming a portion of that sum.

Later Alexander IV extended the joining privilege. He allowed someone who was suspended, or under either interdict or excommunication, to join the monastic community. He permitted the abbot to absolve them so they became free to enter.<sup>526</sup> This reversed the ruling given at Lateran III. Absolution still had to be administered but now could be done by the abbot. This progression marks the development that took place over this period, which generally saw the authority of the episcopacy undermined at the expense of the monastic community.

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<sup>525</sup> Rufford Charters, ed. Holdsworth, vol. 1, xl. also see Burton, Monastic and Religious Orders, 217-8, J. Burton, The Monastic Order in Yorkshire, 1069-1215 (Cambridge: Cambridge University Press, 1999), 207-8

<sup>526</sup> 'Vobis auctoritate praesentium indulgemus, ut, volentibus vestro aggregari collegio, dummodo ipsorum professio subsequatur, qui suspensionis aut interdicti vel excommunicationis sententiis sunt ligati, absolutionis beneficium iuxta formam ecclesiae inpertiri et ipsos in fratres recipere, ac eos, qui post assumptum habitum recoluerint se talibus in saeculo fuisse sententiis innodatos, secundum formam ipsam absolvere valeatis: ita tamen, quod, si aliqui ex eisdem [qui] sententiis propter huiusmodi debitum sunt ligati, satisfaciant ut tenentur.' Furness Couchet, ed. Atkinson, vol. 1, 544. There is also a copy in University College Oxford, MS 167, f. 25v which is dated 15 July 1255. There is a further copy in the papal register dated 20 June 1255. This excludes 'dummodo ipsorum professio subsequatur' and the 'ex' towards the end of the letter. Les Registres d'Alexandre IV, ed. J. Loye and P. Cenival, vol. 1, no. 900. Clarke, Interdict, 79-80

## Celebration during interdict

Alexander IV's grant about the absolution of those including the interdicted was not the only right that Cistercian houses received in relation to interdicts. In order to facilitate the religious observance of the monastery Cistercian houses gained rights to celebrate during interdicts. Nine of the sixteen houses where papal letters dated before 1181 survive have this privilege. Eugenius III granted this right to the Order in the letter 'Sacrosancta Romana ecclesia' of 1152 which confirmed the Carta Caritatis.<sup>527</sup> Both Fountains and Warden received this privilege before 1145.<sup>528</sup> Fountains, Warden and Thame received the right during Eugenius' pontificate but before 'Sacrosancta'.<sup>529</sup> This right does not survive in any privilege to any other Cistercian house anywhere in Europe.<sup>530</sup>

After 'Sacrosancta' the clause remains in this format when it is included in privileges.

There is one exception.<sup>531</sup> This is to Warden, a house which already had the above clause in several of its privileges. This uses similar language to the wording in 'Sacrosancta'.

There are a number of minor linguistic differences, even though the sense is the same.

The privilege that is common to all the other houses goes beyond the statement that

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<sup>527</sup> 'Sancientes etiam, ut propter communia interdicta terrarum, nulla ecclesiarum vestrarum a divinis compellatur officiis abstinere, sed liceat omnibus de ordine vestro, excommunicatis et interdictis eiectis, clausis ianuis, submissa voce fratribus suis divina celebrare solemnia.' *Patrologiae Latinae*, ed. Migne, vol. 180, no. 72

<sup>528</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 41 and *Memorials of Fountains*, ed. Walbran, vol. 2, part 1, 66

<sup>529</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 53, 88 and *Memorials of Fountains*, ed. Walbran, vol. 2, part 1, 68

<sup>530</sup> 'Sancimus etiam, ne quis archiepiscopus vel episcopus sive cuiuslibet ordinis locum vestrum a divinis interdicat officiis, sed liceat vobis omni tempore clausis ianuis et exclusis excommunicatis divina officia celebrare, nisi abbatis vel fratrum ipsius loci evidens et manifesta culpa extiterit.' *Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 41

<sup>531</sup> 'Sancimus autem ut pro communi interdicto locus uester a divinis nequaquam absteineat, set liceat vobis omni tempore clausis ianuis et exclusis excommunicatis et interdictis non pulsates tintinnabulis suppressa voce divina officia celebrare.' *Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 132

Cistercian houses can simply carry on divine services during a common interdict, to further provide that no one shall be able to place the house under an interdict. The right not to suspend services was given to allow the religious life of the Cistercian houses to carry on unhindered by the events in the world around them. The clause was qualified with the phrase 'nisi abbatis vel fratrum ipsius loci evidens et manifesta culpa extiterit.' This permitted the bishop to act and impose an interdict upon a Cistercian house.<sup>532</sup> The house could then appeal if it felt that its guilt was not manifest and evident. It is interesting that the right was in place before 'Sacrosancta.' It was rare at that point, being included in the surviving material of three of the eight houses where we have records. It is unclear why this clause would be present. The interdict imposed upon England when Stephen refused to allow Archbishop Theobald to return to his diocese does not explain the privilege: only one of the letters including the clause could be dated after the interdict was promulgated in 1148 and this dating is not secure.<sup>533</sup> Specific instances may have arisen for Wardon, Thame and Fountains which led them to seek this right. Perhaps an Episcopal interdict was imposed that has gone unrecorded. Alternatively a specific situation may have led the first house which gained the privilege to request it. The other two may then have become aware of that first house possessing the right and then requested it themselves.

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<sup>532</sup> An instance of a Bishop placing a Cistercian house under interdict can be seen in the late thirteenth century. Bronescombe, Bishop of Exeter, placed Buckland abbey under interdict because they had celebrated Mass in the parish church without leave. All religious services were suspended. The sentence was lifted at the intervention of Queen Eleanor and the monks were given leave to perform all church Offices from then onwards. A. J. Bere, *Buckland Monachorum* (Plymouth, 1930), 14-5

<sup>533</sup> P. Seaby, 'King Stephen and the Interdict,' *British Numismatic Journal*, 50 (1980), 58

The question then arises: if the right did not result from the interdict during Stephen's reign, was the clause used during that interdict. Two pieces of evidence provide clues but the matter is unclear. John of Salisbury's note that only the clergy in the archbishopric of Canterbury observed the interdict, that implies that those in the archdiocese of York disobeyed the interdict. John does note that the exception in the archdiocese of Canterbury was St Augustine's, where the monks still presumed to celebrate mass. John comments, 'Such disobedience however was not allowed to pass unpunished.'<sup>534</sup> This suggests that English Cistercians did not uniformly hold the right to celebrate mass during an interdict. Alternatively they held the right and either did not take advantage of it or John of Salisbury simply omits to mention them. John may have been unaware of what happened at Thame and Wardon. If his comment is accurate it would suggest they did observe the interdict. The other piece of evidence is from York. Henry Murdac, a former abbot of Fountains, placed the city of York under interdict in 1148. This sentence was in place until 1150.<sup>535</sup> When count Eustace realised that the clergy of the city were obeying the provisions of the interdict he demanded they celebrated mass as usual.<sup>536</sup> This shows us that secular pressure was imposed to prevent the observance of this interdict. If this sort of force was applied under Theobald's interdict it is possible that Thame, Wardon and Fountains could have used their privileges to allow them to give into royal pressure. The evidence is inconclusive.

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<sup>534</sup> *The Historia Pontificalis of John of Salisbury*, ed. M. Chibnall (London: Thomas Nelson and Sons, 1956), 46

<sup>535</sup> Seaby, 'King Stephen', 58-9

<sup>536</sup> Seaby, 'King Stephen', 60. Pressure was also placed upon the church to break the interdict under John. *Interdict Documents*, ed. P. M. Barnes and W. R. Powell (London: Pipe Roll Society New series, 34, 1960), 6-7

Honorius, the archdeacon of Richmond, granted the monks of Furness permission to celebrate Mass at their private altars during an interdict between 1198 and 1200.<sup>537</sup> No evidence survives concerning the Cistercian response to the interdict imposed upon York in 1200 by Geoffrey, archbishop of York.<sup>538</sup> The reaction of the Cistercians to the interdicts imposed upon France and later England around that time makes it highly likely that they ignored the interdict, clinging to their privileges. When an interdict was imposed upon France the general chapter intervened to prevent abbeys from stopping their services on the order of the bishop. When punishments were imposed those who had observed the interdict were punished more severely.<sup>539</sup> Those who had broken the interdict were also punished as the Papacy intervened to order that it be observed.<sup>540</sup> Cîteaux appears to have had an exemption at that time as St Hugh of Lincoln went to Cîteaux in order to celebrate Mass and then progressed to Clairvaux, which appears not to have had the same privilege.<sup>541</sup> The interdict in England shows resistance to the sentence. This was centrally backed from Cîteaux and was based upon a number of reasons including the papal privileges of the Order and disorder that would be brought to monastic life.<sup>542</sup> Before the interdict was imposed Innocent III informed the executors

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<sup>537</sup> T. A. Beck, Annales Furnesienses: History and Antiquities of the Abbey of Furness (London: Payne and Foss, 1844), 165-6

<sup>538</sup> The Flowers of History by Roger de Wendover, ed. H. G. Hewlett, vol. 1 (London: Rolls Series, 84, 1886), 301. Also W. Prynne, An Exact Chronological vindication and historical demonstration of our British, Roman, Saxon, Danish, Norman, English Kings Supreme Ecclesiastical Jurisdiction, vol. 2 (London, 1665), 230

<sup>539</sup> Mahn, L'Ordre Cistercien, 94-5

<sup>540</sup> Statuta, ed. Canivez, 1200:48, 51

<sup>541</sup> 'Cîteaux, where he was staying in order to be able to celebrate high mass on the solemn feast of the Assumption of the Mother of God, since except for certain privileged monasteries all France was at this time under an interdict. Then having obtained his wish, and having commended himself to the prayers of the brethren of that house, he visited Clairvaux.' The Life of St Hugh of Lincoln, ed. D. L. Douie and H. Farmer (London: Thomas Nelson and Sons, 1962), Vol. 2, 176

<sup>542</sup> The other reasons that were given by the order to the Papacy why the order should be exempt from the interdict were the remoteness of the abbeys and that their observance would work to obtain the conversion of the king. Mahn, L'Ordre Cistercien, 95



that the sentence was to be observed in all churches, regardless of privileges.<sup>543</sup> Five months after the interdict was promulgated Innocent was told that although the Cistercians had started observing the interdict, after a couple of days the monks of Margam, Meaux and Beaulieu resumed celebrating the offices. In 1208 the General Chapter backed those houses and imposed penance on other abbots because they had acted 'contra immunitates ordinis.' All English and Welsh Cistercians were ordered to resume celebration in line with their privileges regardless of the interdict or the orders of the executors. They were to do this until the pope himself ordered them to do otherwise.

The whole situation embarrassed the pope. His executors seem to have acted more strictly than he had wished. He said in June 1208 that he would have been happy for the monks to celebrate behind closed doors according to their privileges. Yet Innocent saw the Order's act as an assault upon papal authority. Once the executors of the Interdict had taken a stand, it was not for the Cistercian Order to defy it. He demanded they observe the interdict. In 1209 he allowed the celebration of offices in certain churches; but denied the Cistercians this concession.<sup>544</sup> The harshness of Innocent's actions may be due to rumours that some Cistercians had gone beyond their privileges by ringing church bells, bellowing chants with open doors and admitting outsiders.

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<sup>543</sup> Selected Letters of Pope Innocent III Concerning England (1198-1216), ed. C. R. Cheney, and W. H. Semple (London: Thomas Nelson and Sons, 1953), no. 31. This summary of the interdict England will follow Peter Clarke's account unless otherwise stated. Clarke, Interdict, 193-5

<sup>544</sup> 'Eodem anno (1209), procurante Stephano, Cantuariensi archiepiscopi, qui miseriae Angliae quamplurimum condoluit, indultum est ecclesiis conventualibus in Anglia semel in ebdomada celebrare divina. Cistercienses hac privabantur indulgentia, propter praesumptionem praenotatam.' Matthaei Parisiensis monachi sancti albani, Historia Anglorum sive ut vulgo dicitur, Historia Minor, ed. F. Madden, vol. 2 (London: Rolls Series, 44, 1866), 118

In March 1209 Innocent acknowledged the Order's freedom to celebrate during interdicts but expressed reservations about letting its English brethren enjoy this given their alleged conduct.<sup>545</sup> But he issued a letter on the same day requiring his executors to mitigate the interdict for Cistercians in accordance with their freedom if they could do so without causing scandal and the interdict being broken... Although Innocent III was prepared to honour papal immunities, he was also concerned not to weaken the interdict against King John.<sup>546</sup> While we see Cistercians having to back down and obey the interdict the crucial point is that they fought for their rights. They stood by their privileges for as long as they could. This helps us to consider whether privileges were generally enforced. It would seem at least that the Order jealously guarded its rights and fought bitterly to uphold them.

The Papacy was developing a common law for interdicts. Cistercians learnt that they could not escape a papal interdict without express permission. The 'issue was not settled in canon law definitively until a constitution of Clement V ruled that the exempt should observe general sentences.'<sup>547</sup> In 1217 the Scottish Cistercians celebrated divine services while that country was under interdict 'according to the privileges which they had received from the apostolic see.'<sup>548</sup> The legate then ordered them to stop, which they did until the legate absolved them.<sup>549</sup> In 1222 Honorius III ejected monks from a Cistercian house in the Latin patriarchate of Constantinople for not observing a legate's interdict.<sup>550</sup>

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<sup>545</sup> Mahn, *L'Ordre Cistercien*, 95-6

<sup>546</sup> Clarke, *Interdict*, 194

<sup>547</sup> Clarke, *Interdict*, 125. Clement's constitution specifically excepted Boniface VIII's *Alma* (Liber Sextus 5.11.24), which allowed religious to celebrate in their own churches.

<sup>548</sup> *Church Historians of England*, ed. J. Stevenson, vol. 4, part 1 (London: Seeleys, 1856), 169

<sup>549</sup> *Church Historians of England*, ed. Stevenson, vol. 4, part 1, 170

<sup>550</sup> Clarke, *Interdict*, 188

In 1229 the general chapter severely punished an abbot who celebrated in a prohibited village against Episcopal orders.<sup>551</sup> Urban IV noted their rights and allowed them to continue in 1262.<sup>552</sup> They learnt that they needed papal support to defend and enforce their privileges. 1262 shows them still acting to uphold their rights, this time within the system and with papal backing. The change of the law with Clement V reminds us that regulations and customs changed, not just in regard to the statutes of the general chapter but also in papal law. As this law came into force the privilege went out.

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<sup>551</sup> 'Abbas de Capella qui a monachis suis in quadam villa quae fuerat interdicta fecit divina celebrari, contra episcopi loci illius voluntatem, et in totius cleri scandalum, quadraginta diebus extra stallum abbatis et sex diebus in levi culpa, duobus eorum in pane et aqua. Prior vero eiusdem domus qui procuravit talia deponatur et ad domum aliam missus non revertatur, nisi per Capitulum generale.' *Statuta*, ed. Canivez, vol. 2, 83-4 (1229:47)

<sup>552</sup> Mahn, *L'Ordre Cistercien*, 97

## Monastic Peace and Legal Duties

English Cistercians generally worked with the Papacy. They had been working to advance the agenda of the Papacy practically from the inception of the Order, notably the case of Henry Murdac and the English Cistercians during the reign of Stephen.<sup>553</sup> They were used by the Papacy to preach for crusades and Innocent III used them to counteract heresy.<sup>554</sup> Cistercians were often employed as papal judges delegate.<sup>555</sup> The burden of acting as a judge delegate led the abbot of Fountains to request that he not be asked to perform the duty. Lucius III told him in 1185 that he would be granted this privilege and would only be called on if the pope felt it absolutely necessary.<sup>556</sup> The reasons given were the expenses and the anger of powerful men which resulted from hearing cases. The Cistercians tried to gain the right for the whole Order but were rebuffed in 1211.<sup>557</sup> The Cistercians did receive some 'satisfaction' in this area under Honorius III in 1219.<sup>558</sup> The abbot of Cîteaux received a letter exempting him from judge delegate cases.<sup>559</sup> Other Cistercian houses received similar letters. Canivez notes six from 1222 to 1234. The last is to Bordesley in England.<sup>560</sup> This letter is different in that it cites the old age and frailty of the abbot as the reason why he did not have to act as a judge delegate. All these letters end with the qualification clause that should a request to act as a judge delegate refer to

<sup>553</sup> B. D. Hill, English Cistercian Monasteries and their Patrons in the Twelfth Century (Urbana: University of Illinois Press, 1968), 119-122

<sup>554</sup> J. M. Canivez, 'Étonnantes concessions pontificales faites à Cîteaux,' Miscellanea historica in honorem Alberti de Meyer, vol. 1 (Louvain : Bibliothèque de l'Université, 1946), 505

<sup>555</sup> J. E. Sayers, Papal Judges Delegate in the Province of Canterbury 1198-1254 (Oxford: Oxford University Press, 1971), 124. Canivez, 'Étonnantes concessions pontificales,' 505-6

<sup>556</sup> Papsturkunden in England, ed. Holtzmann, vol. 3, no. 368

<sup>557</sup> Cheney, From Becket to Langton, 69. Canivez, 'Étonnantes concessions pontificales,' 506-7.

<sup>558</sup> Sayers, Papal Judges Delegate in Canterbury, 144. She refers to Canivez, 'Étonnantes concessions pontificales,' 507-8

<sup>559</sup> Canivez, 'Étonnantes concessions pontificales,' 508-9

<sup>560</sup> This does not survive in English manuscripts. Regesta Pontificum Romanorum, ed. Potthast, vol. 1, no. 9462.

the privilege the abbot could not avoid the commission. Canivez then points out a number of instances where the abbot of Cîteaux did act as a judge delegate after 1219.<sup>561</sup>

Honorius III granted a similar privilege to English Cistercians in 1221. This is recorded in the records for Fountains, Furness, Holm Cultram, Meaux<sup>562</sup> and Rievaulx.<sup>563</sup> There is a later copy at Newenham from the pontificate of Alexander IV and 1257.<sup>564</sup> The letter stated that they could refuse to be drawn into ecclesiastical trials which demanded an absence from their monasteries of more than two days. This was qualified with the statement ‘unless this letter is referred to.’ Like many of the privileges we have considered, the peace of the house was given as a reason for the privilege. As with the privilege about exemption from judge delegate cases the qualifying clause prevented the letter from having universal impact, nevertheless both would have reduced the number of commissions and the number of times the abbot had to leave the monastery for a prolonged period.<sup>565</sup>

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<sup>561</sup> Canivez, ‘Étonnantes concessions pontificales’, 509

<sup>562</sup> This letter is to Meaux specifically. Orange, “Meaux Cartulary”, no. 37

<sup>563</sup> University college Oxford, MS 167, f. 33; Furness Coucher, ed. Atkinson, vol. 1, part 3, 584; Register Holm Cultram, ed. Grainger and Collingwood, 99; Recorded in Cartulary of Rievaulx, ed. Atkinson, no. 272.

<sup>564</sup> Oxford Bodl Top Devon d. 5, f. 11

<sup>565</sup> ‘Cum contemplacioni vacantibus ut videant quam suavis est Dominus eo sit periculosior evagacio quo a suo proposito alieni paciuntur facilius insidias inimici, nos quieti vestrae solitudine providere volentes, ne auctoritate literarum nostrarum de causis compellamini cognoscere litigancium, vel ultra duas dietas a propriis monasteriis trahi possitis in causam auctoritate praesencium vobis indulgemus, nisi forte impertratae a sede apostolica literae plenam de indulgencies huiusmodi fecerint mentionem.’ Monasticon Anglicanum, ed. Dugdale, vol. 5, 235-6

## **Conclusion**

This chapter has attempted to see how a range of Cistercian privileges functioned on the ground. All these privileges worked to defend the Cistercian way of life and their statutes. They sought to facilitate a peaceful, quiet and prosperous life for the Order individually and collectively. Standardisation and uniformity developed during the pontificate of Alexander III. This continued to develop, with significant steps taken under Lucius III and Honorius III. Practice did change over time in many areas. Rights about eating meat and interdicts show this clearly. Many of the clauses were effectively enforced. Protection clauses were enforced by the ecclesiastical hierarchy. The Cistercians battled to defend their tithe rights against opposition. The same battle can be seen in many other areas, including procurations, regulations regarding eating meat and the entrance of women. Sometimes the Cistercians won, sometimes they were defeated. They almost always fought. The very presence of these privileges to buttress the statutes of the Order shows they faced opposition and tried to stand firm. Enforcement was by no means guaranteed.

## **Part 2: Privileges and Practice in English Cistercian Houses**

### **Chapter 4: Centralisation, Bishops, the Laity and Privileges**

#### **Introduction**

This chapter will look at how Cistercian privileges affected discipline and governance within the Cistercian Order; how this impacted upon Episcopal authority; finally, how this worked to bring members of the laity under the spiritual supervision of Cistercian monks. As with the previous chapter, uniformity and implementation will be investigated. Cistercian structures of governance developed which made many of the usual points of interaction between the episcopacy and monasteries obsolete. The first major step in the creation of this 'para-hierarchy'<sup>566</sup> came with the confirmation of the Carta Caritatis, which excluded bishops from dealing with the internal discipline of Cistercian houses. The Carta Caritatis recognised a structure of visitation, father abbots and general chapters. The rights of the father abbot developed until they essentially replaced those of the bishop.<sup>567</sup> This was not conceived of as an assault on Episcopal authority. Episcopal visitation was not common at this point.<sup>568</sup> Alexander III told the archbishop of Sens not to exercise disciplinary authority over the Cistercians in his diocese, leaving that to the

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<sup>566</sup> Falkenstein, *La Papauté*, 211

<sup>567</sup> Mahn, *L'Ordre Cistercien*, 134-5

<sup>568</sup> Cheney, *Visitation*, ix and Knowles, "The Growth of Exemption", 425. It was not that, as Mahn suggests, that St. Bernard was being ignored and the episcopacy replaced. Mahn, *L'Ordre Cistercien*, 135. Instead it is in line with Bernard's desire for order and not licentiousness.

father abbots and the general chapter.<sup>569</sup> As these structures expanded, the relationship between individual Cistercian houses and the bishops changed.

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<sup>569</sup> Falkenstein, La Papauté, 212-3



## Part 1: Governance within the Order

### Leaving the Monastery

In the previous chapter we saw that papal privileges often sought to buttress the observance of the rule and the statutes of the Order. The rule and the statutes legislated about governance and discipline. The earliest example of this can be found when privileges consider regulations about leaving the monastery. ‘The Rule of St Benedict condemned ‘Gyrovagi’, ‘ever roaming and never stable, given up to their own wills’, and provided guidance on how to travel properly. When monks travelled, they were usually sent by a superior. They went to a specific place for a particular reason. To do otherwise was to travel improperly, to wander.’<sup>570</sup> Or rather, to do otherwise was to run away, which was a serious offence.<sup>571</sup> Chapter 61 states, ‘But let the Abbot take care never to receive a monk from any known monastery, without his own Abbot’s consent, and letters of recommendation; as it is written: “What thou wilt not have done to thyself, do not thou to another.”’<sup>572</sup> The Carta Caritatis Posterior commented upon retaining monks without licence. It stated: ‘no abbot may retain the monk of any abbot whomsoever of our Order without his consent.’<sup>573</sup> In an undated letter to William of St. Thierry St Bernard said, ‘As for that fugitive monk, after I had given him a harsh scolding suited to his hard heart I could do nothing else than send him back whence he came for our customs forbid me to

<sup>570</sup> I. Wei, ‘Scholars and Travel in the Twelfth and Thirteenth Centuries,’ in *Freedom of Movement in the Middle Ages*, ed. P. Horden (Donington: Shaun Tyas, 2007), 74-5

<sup>571</sup> F. D. Logan, *Runaway Religious in Medieval England, c. 1240-1540* (Cambridge: Cambridge University Press, 2002)

<sup>572</sup> *The Rule of St. Benedict*, ed. Parry, chapter 61.

<sup>573</sup> *Narrative and legislative texts*, ed. Waddell, 503, section 40

keep any monk here without the consent of his abbot.<sup>574</sup> The earliest mention of retaining monks in Cistercian privileges comes in 1141.<sup>575</sup> This clause occurs fourteen times in the twenty-seven letters from the period up to and including 1164. Those twenty-seven letters represent the records of thirteen houses. Eight of them have a letter containing this clause.<sup>576</sup>

From 1172 to 1184 a different but similar clause is common. It appears in eight of the fourteen letters which survive. It was held by seven of the ten houses who are represented by those letters. The three houses which do not have this clause contain the older one. Thus we do not find total uniformity in this period. The later clause repeated that abbatial permission must be recorded in a letter. It clarifies the situation by showing that the clause is concerned with those who leave the monastery without permission.<sup>577</sup> In the 1190s the clause was expanded making an explicit reference to the powers of the abbot to issue a sentence against the offending monks or conversi.<sup>578</sup> The statutes of the general chapter disciplined those who broke this rule, although this appears very rarely.<sup>579</sup> In

<sup>574</sup> Letters of Bernard, trans. and ed. James, no. 88

<sup>575</sup> Memorials of Fountains, ed. Walbran, 63

<sup>576</sup> 'Addentes autem auctoritate apostolica interdicimus, ne quis fratres vestros clericos sive laicos post factam in vestro monasterio professionem absque licentia vestra suscipere audeat vel retinere.'

Papsturkunden in England, ed. Holtzmann, vol. 1, no. 63

<sup>577</sup> 'Prohibemus in super, ut nulli fratrum vestrorum post factam in loco vestro professionem absque licentia magistri sui fas sit de eodem loco discedere, discedentem vero absque communium litterarum vestrarum cautione nullus audeat retinere.' Papsturkunden in England, ed. Holtzmann, vol. 1, no. 115

<sup>578</sup> 'Quod si quis forte retinere presumpserit, licitum sit vobis in ipsos monachos sive conversos sententiam regularem ex nostra auctoritate proferre.' Papsturkunden in England, ed. Holtzmann, vol. 3, no. 440

<sup>579</sup> 'abbas de Lapide-Sancti-Michaelis qui monachum recepit sine litteris, qui relicto ordine huc illucque vagando, cucullatus incedit non sine scandalo, tribus diebus sit in levi culpa, uno eorum in pane et aqua, et fugitivus ille qui Ordinem scandalizet, apud quemcumque inventus fuerit, equo et habitu spoliatur.' Statuta, ed. Canivez, vol. 1, 1206:30. 'de priore Alcubatie qui recepit monachum sine assensu abbatis sui et litteris commendatitiis, et cum litteris absolutoriis remisit ad Dominum Cistercii committitur abbati Claraevallis.' Statuta, ed. Canivez, vol. 1, 1206: 42. Also see Statuta, ed. Canivez, vol. 1, 1206:44. 'Nullus autem abbas personam aliquam nostri ordinis sine litteris commendatitiis in suum collegium recipere praesumat.' Statuta, ed. Canivez, vol. 1, 1210:14.

Stephen of Lexington's letters from Ireland, dated 1228-9, numerous letters were sent with travelling individuals to allow them to be received into a particular Cistercian house, usually for disciplinary purposes.<sup>580</sup> In 1304 the archbishop of York, Thomas of Corbridge, excommunicated a Cistercian monk for leaving his monastery without permission. Corbridge acted upon the request of the abbot.<sup>581</sup> In 1350 Clement VI gave Richard of Fishwick, a monk of Sallay, a grant to return to his monastery, after he had left that house without a licence and been declared a fugitive.<sup>582</sup> In 1489 the abbot of Stratford gave two of his monks a letter of commendation to allow them to travel to Cîteaux.<sup>583</sup> The abbots of Fountains and St Mary Graces complained in 1500 that monks

<sup>580</sup> Letters from Ireland, 1228-1229, ed. B. W. O'Dwyer (Kalamazoo, Michigan: Cistercian Publications, 1982), nos. 7, 13, 36, 40, 70

<sup>581</sup> The Register of Thomas of Corbridge, ed. Brown, vol. 138, 111

<sup>582</sup> 'Dilecto filio Richardo de Fisshwyk monacho monasterii de Sallay Cisterciensis ordinis Eboracensis diocesis salutem etc. Etsi culpa inobediencie in personis circa id delinquentibus graviter sit plecanda, illis tamen sedes apostolica interdum consuevit de benignitatis gracia indulgere quibus delictum causa non aggravat sed potius suffragatur. Sane petitio tua nobis nuper exhibita continebat quod tu nuper a dilecto filio abbate monasterii de Sallay Cisterciensis ordinis Eboracensis diocesis, petita non tamen obtenta licentia et contra statuta capituli generalis tui ordinis quibus cavetur quod monachi dicti ordinis etiam petita non obtenta licentia de monasteriis quorum monachi fore noscuntur exire et ad loca quolibet remota presumunt accedere, in eodem ordine fugitive seu apostate reputentur, ad urbem Romanam presenti anno pro obtinenda generali indulgentia peregre porrexisti. Quare nobis humiliter supplicasti ut ne propterea in eodem ordine fugitivus seu apostata reputeris nec occasione huiusmodi pena tibi aliqua imponatur providere de benignitate apostolica dignaremur. Nos itaque volentes tecum in hac parte agere graciose tuis supplicationibus inclinati, tibi ut occasione huiusmodi non reputeris propterea fugitivus seu apostata sed ad dictum monasterium sine aliqua pena redire et in eodem morari libere et licite valeas. Non obstantibus supradictis et quibuscumque apostolicis et aliis constitutionibus statutis et consuetudinibus monasterii et ordinis predictorum contrariis, iuramento, confirmatione apostolica vel quacumque firmitate alia roboratis auctoritate apostolica tenore presentium concedimus de gratia speciali.' Sallay Cartulary, ed. McNulty, vol. 2, 181-2

<sup>583</sup> 'Nos frater Hugo Abbas monasterii beate Marie de Stratfordia ordinis Cisterciensis Londoniensis dyocesis universis et singulis Christi fidelibus maxime tamen patribus ordinis nostri salutem in domino et gracie dei plenitudinem. Cum enim saluatis virus obediencie omnibus christicolis sit amplexenda, hinc est quod nos patrum ordinis nostris mandatis statutisque obedire cupientes, fratri Wilhelmo monacho nostro et fratri Martino nobis regulariter misso damus generale nostrum capitulum in Burgundie partibus circa Divionem annuatim consueto celebrari licenciam accedendi et visitandi, obsecrantes et rogantes omnes in domino per quorum terras dicti fratres sunt pertransituri ut eisdem fratribus in omnibus subveniant, conductum securum tribuentes et eciam ecclesiastica sacramenta dum pecierint tribuentes ab altissimo proculdubio mercedem copiosam recepturi. Datum nostro sub sigillo presentibus impresso anno dominice incarnationis M CCCC LXXXIX in vigilia gloriose dei genitricis Marie, presentibus donec dicti fratres redierint in suo robore valituris.' Letters from English Abbots, ed. Talbot, no. 60

were travelling to Rome without the necessary letters.<sup>584</sup> These sources point to the continuing need for letters permitting travel and the repeated problem of monks being absent without leave.

Other privileges dealt with fugitive monks.<sup>585</sup> Those who presumed to give shelter to fugitives were warned that such conduct would be met with ecclesiastical censure.<sup>586</sup> The Cistercian Order legislated concerning the problem of runaway monks. Their statutes dealt with issues including the punishments that should be given to captured fugitives; what should happen about the expenses incurred by those who retained runaways and that monasteries should receive captured fugitives when they were sent from their home monastery as part of their punishment.<sup>587</sup> The reception of former fugitives as part of the

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<sup>584</sup> 'Consulte, igitur, et cum prudencia singula facere cupientes, nullam aliam causam sine ordinis necessitate in litteris nostris commissionalibus ad patres regni propter congruas et honestas consideraciones exprimere curavimus, preter illam solam causam causam que pro instanti eos movere et inducere magis prompte posset ad persolvendas, scilicet jubilei gratiam impetrandam.' *Letters from English Abbots*, ed. Talbot, no. 109

<sup>585</sup> For a comprehensive study of fugitive monks see Logan, *Runaway Religious*

<sup>586</sup> 'Ideoque universitati vestre per apostolica scripta mandamus et in virtute obediencie districte precipimus quatinus illos qui in aliquem de fratribus ipsis manus violentas iniecerint vel res seu domos eorum vel hominum suorum irreverenter invaserint vel ea que predictis fratribus ex testamento decedencium reliquuntur contra iusticiam retinuerint vel decimas laborum seu nutrimentorum suorum spretis privilegiis apostolice sedis extorserint aut res eorum a fugitivis ablatas illicite retinere presumpserint si laici fuerint eos et principales fautores eorum publice candelis accensis excommunicationis sententia percellatis clericos autem canonicos sive monachos appellacione remota ab officio et beneficio suspendatis neutram relaxaturi sentenciam donec predictis fratribus plenarie satisfaciant et hii precipue qui per violenciam manuum iniectioe vinculo fuerint anathematis innodati cum dyocesani episcopi litteris ad sedem apostolicam venientes ab eodem vinculo mereantur absolui. Villas autem in quibus bona predictorum fratrum per violenciam detenta fuerint aut predones ipsi permanserint seu etiam fratres fugitivi monachi vel conversi contra voluntatem eorum extiterint nisi habitatores ipsarum diligenter ammoniti eos a se curaverint amovere quamdiu ibi fuerint appellacione proposita interdicti sentencie supponatis. Datum Lat, 3 Kal Nov, year 3.' Innocent III, 1200, "Non absque dolore," see *Innocent III: Calendar*, ed. Cheney, no. 212. Oxford, University college, MS 167, f. 34. Also Orange, "Meaux Cartulary", no. 12. Other letters which mention fugitives are Letter to Fountains, see Ox, Uni Col 167, f. 38, f. 41v-42.

<sup>587</sup> *Statuta*, ed. Canivez, vol. 8, 207

disciplinary process appears in Stephen Lexington's letters from Ireland to Rievaulx and Holm Cultram.<sup>588</sup>

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<sup>588</sup> Letters from Ireland, ed. O'Dwyer, no. 36. Letter 40 is similar but there the fugitive is sent to Holm Cultram and he is to have the lowest place of all for a year, to be on bread and water every Friday, and receive discipline in the chapter. He is not to be allowed to return to Ireland without special permission from the general chapter.

## Internal rights regarding discipline, correction and absolution

The issue of runaway monks was one that fell under the authority of individual abbots. Abbots had exclusive jurisdiction over their subordinates, unless they granted them the right to go elsewhere.<sup>589</sup> Innocent III outlined the rights of individual abbots to discipline, excommunicate and absolve their monks when they committed acts of violence. He referred to a number of excessive cases where absolution would need to be sought direct from the Papacy.<sup>590</sup> Two letters survive in which Gregory IX granted the right to absolve certain monks and conversi, whose offences were beyond those which the abbot was permitted to absolve. Gregory IX granted the abbot of Rufford the right to absolve certain excommunicated monks who had been found guilty of violence and simony<sup>591</sup> and he

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<sup>589</sup> Pfurtscheller, *Die Privilegierung*, 131. The abbot's right to absolve his subordinates can be seen in the statutes of the general chapter. This statute also states that abbots should seek absolution from their father abbot. 'Quaestionem propositam in capitulo generali videlicet: quis debeat absolvere illos in quos sententiae feruntur ex delegatione ipsius capituli, vel praecepto? Sic determinat idem capitulum generale, quod abbates suos absolvant subditos, et ipsi a patribus abbatibus beneficium absolutionis obrineant, si ipsos in huiusmodi sententias contigerit incidisse.' *Statuta*, ed. Canivez, 1263:2

<sup>590</sup> 'De monachis vero et canonicis regularibus id servetur, ut, si eiusdem claustrum fratres manus in se iniecerint violentas, per abbatem proprium; si vero unius claustrum frater in fratrem alterius claustrum huiusmodi praesumpserit violentiam exercere, per injuriam passi et inferentis abbates, absolutionis beneficium assequantur etiam si eorum aliqui, priusquam habitum receperint regularem, tale aliquid commiserint, propter quod ipso actu excommunicationis sententiam incurrissent, nisi excessus ipsorum esset difficilis et enormis, utpote, si esset ad mutilationem membri, vel sanguinis effusionis processum, aut violenta manus in episcopum vel abbatem injecta, cum excessus tales et similes sine scandalo nequeant praeteriri; si vero clericos seculares manus iniecerint, pro vitando scandalo, mittantur ad sedem apostolicam absolvendi. Villas autem, in quibus bona praedictorum fratrum, vel hominum suorum, per violentiam detenta fuerint, quandiu ibi sunt, interdicti sententiae supponatis.' *Patrologiae Latinae*, ed. Migne, vol. 217, no. 55. For copies in England see *OPD*, ed. Sayers, no. 27. Also *Innocent III: Calendar*, ed. Cheney, nos. 497, 514, 515, 517, 521, 1145.

<sup>591</sup> 'Petitio tua nobis exhibita continebat quod nonnulli monasterii tui monachi et conversi pro violentia iniectioe... in seipsos et quidam pro deiectione proprii ac alii pro denegrata tibi et predecessoribus tuis obedientia seu conspirationis offensa super quibus se correxerunt pretimendum in excommunicationis laqueum inciderunt, et quidam habuerunt in monasterium ipsum ingressum per virium symonie quorum monachorum quidam susceperunt sacros ordines et divina celebrarunt officia sic ligati. Quare superbiis ipsorum provideri saluti a nobis humiliter postulasti. De tua itaque circumspectione plenam in domino fiduciam obtinentes presentium tibi auctoritatem concedimus ut eisdem excommunicationis hac vice iuxta formam ecclesie beneficium absolutionis impendas iniuncto ei quod de iure fuerit iniungendum, proviso quod manuum iniectores et illos quorum fuerit gravis et enormis excessus mutos ad sedem apostolicam absolvendos. Cum illis autem qui facti immemores et iuris ignari absolutionis beneficio non obtento

commissioned the bishop of Winchester and the abbot of Quarr to absolve certain monks and conversi of Quarr who had incurred excommunication for various offences.<sup>592</sup> In both letters serious offences had to be referred to Rome.<sup>593</sup> Gregory IX gave abbots permission to delegate their authority to absolve to priors during their absence.<sup>594</sup> Innocent IV extended this jurisdiction and the power of dispensation.<sup>595</sup> Only murder, proven perjury, sacrilege and intentional bloodshed were to be excluded.<sup>596</sup> Alexander IV renewed this. He confirmed the power of full absolution over irregularities and offences warranting excommunication. He granted that abbots could transfer the power to grant full absolution to convent-priests in specific cases and allowed abbots to absolve one another. These rights operated to keep monks from going outside the monastery for confession.<sup>597</sup> Monks were forbidden from confessing to regular or secular priests, unless they had permission from their abbot.<sup>598</sup> The general chapter stated that the abbot's

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susceperunt sacros ordines et divina officia celebrarunt, iniuncta eis penitentia competenti et ea peracta liceat tibi de misericordia que superexaltat iudicio prout eorum saluti expedire videns dispensare. Si vero prefacti excommunicati scienter talia presumpserunt eis per biennium ab ordinum executione suspensis et imposita ipsis penitentia salutari eosdem pretermittunt, si fuerint bone conversationis et vite, ad gratiam dispensationis admittas, processurus circa symoniacos secundum statuta concilii generalis, proprium autem si quod habent dicti monachi et conversi facias in tuis manibus assignari in utilitatem ipsius monasterii convertendum.' *Rufford Charters*, ed. Holdsworth, vol. 2, no. 709. See *OPD*, ed. Sayers, no. 197.

<sup>592</sup> *OPD*, ed. Sayers, no. 217

<sup>593</sup> An example of a serious case which needed papal absolution occurred in 1300. The cardinal bishop of Porto gave authority to the archbishop of York to absolve the abbots of Kirkstall, Cîteaux (for the cell of Scarborough), Rievaulx and Meaux for having paid subsidies to the king against the bull 'clericos laicos'. *The Register of Thomas of Corbridge*, ed. Brown, vol. 138, nos. 54, 291, 293, 397. For the same regarding Fountains see *Memorials of Fountains*, ed. Walbran, vol. 1, 186-7.

<sup>594</sup> 'Cum monachos et converses monasteriorum vestrorum ab excommunicatione, quam iniiciendo manus violentas invicem in seipsos frequenter incurrunt, ex officio vestro absolvere valeatis, auctoritate vobis praesentium indulgemus ut absolvendi eos ab excommunicatione huiusmodi prioribus vestris, cum vos abesse contingerit, possitis committere vices vestras.' *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 578

<sup>595</sup> Here Innocent IV repeats the right granted to priors. 'Cum monachos et conversos monasteriorum vestrorum ab excommunicatione quam iniiciendo manus violentas iniicere in se ipsos frequenter incurrunt ex officio vestro absolvere valeatis, auctoritate vobis presencium indulgemus ut absolvendi eos ab excommunicatione huiusmodi prioribus vestris cum vos abesse contingerit possitis committere vices vestras.' Orange, "Meaux Cartulary", no. 41, *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 601-2.

<sup>596</sup> Pfortscheller, *Die Privilegierung*, 130.

<sup>597</sup> Pfortscheller, *Die Privilegierung*, 130.

<sup>598</sup> Pfortscheller, *Die Privilegierung*, 130-1 and 132-3. 'Praeclarae religionis vestrae favor exposcit quod devotionis sinceræ quam erga nos ac Romanam ecclesiam geritis merita nos inducunt ut vos speciali

privilege of absolution was to be used with discretion. As it was difficult to decide when to refer to the general chapter, abbots were to bring doubtful cases there to avoid mistakes or scandal.<sup>599</sup>

The general chapter developed a disciplinary role above that of the abbots. As the Cistercian Order evolved, the general chapter increasingly took on the role of spiritual policeman, with oversight for the members of the Order. As these systems and procedures developed the Papacy began to grant privileges in line with this. Honorius III took that power from the premier abbots of the Order, granting it instead to the general chapter.<sup>600</sup> Alexander IV empowered the abbot of Cîteaux and his co-abbots to give plenary absolution to all members of the Order, except in serious cases which needed to

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praerogativa prosequentes vestris precibus quantum cum domino possumus favorabiliter annuamus. Cum igitur felicitis recordationis I. papa praedecessor noster ut in ordine vestro sublata materia scandali religionis conformitas et vitae unitas in caritatis integritate servetur vobis suis literis concessisse dicatur, ut iuxta eiusdem ordinis instituta nulli fratrum ipsius ordinis seu alii eiusdem ordinis personae absque abbatis sui licencia, liceat cuiquam alterius religionis vel seculari presbitero confiteri nec ei confessions eorum audire vel eis absolutionis beneficium impertiri, vestris devotis supplicationibus inclinati quod super hoc vobis est a praedicto praedecessore nostro concessum gratum habemus et ratum, id auctoritate apostolica confirmamus et praesentis scripti patrocinio communimus.' Monasticon Anglicanum, ed. Dugdale, vol. 5, 230, no. 6. Register Holm Cultram, ed. Grainger and Collingwood, no. 289. The concession can be seen in a letter to Furness. 'parte vestra fuit propositum coram nobis quod monachos vestros et religiosas personas vobis strictas, ab excommunicatione quam pro violent manuum injectione in semet ipsos incurrunt, absolvere valeatis, ac Prioribus vestris super hoc committere vices vestras, vobis a sede apost. Sit indultum: Et saepe contingat, propter vestram et priorum vestrorum absentiam, illos qui in huiusmodi sententiam incidunt diutius in ipsa non sine animarum suarum periculo remanere: Nos vestris in hac parte inclinati supplicationibus, quod super his vices vestras etiam aliis discretis et litteratis vestri ordinis sacerdotibus, absentibus vobis, committere prout expedire videritis, vobis auctoritate praesentium plenam concedimus facultatem.' Furness Coucher, ed. Atkinson, 543,

<sup>599</sup> Pfortscheller, Die Privilegierung, 133

<sup>600</sup> 'Volentes religioni vestrae quam cum deo possumus favoris gratiam adhibere, iiii primis ordinis vestri abbatibus dispensandi cum irregularitatibus ordinis vestri potestatem meminimus concessisse. Quia vero magis expedire proponitur ut potestas huiusmodi vestro generali capitulo conferatur, nos concessionem super hoc factam praefatis abbatibus revocantes dispensandi cum irregularitatibus ordinis vestri prout secundum deum et ecclesiasticam honestatem videritis expedire, vobis dumtaxat in ipso generali capitulo congregatis, auctoritate praesentium liberam concedimus facultatem nisi forsitan aliqui ex tali causa irregularitatis vitium incurrissent quod eorum dispensatio merito esset sedi apostolicam reservanda.' Furness Coucher, ed. Atkinson, vol. 1, part 3, 590-1. Regesta Honorii Papae III, ed. Pressutti, vol. 1. no. 877.



be referred to Rome.<sup>601</sup> This privilege was repeated by later popes, including Gregory X in 1274.<sup>602</sup> In 1297 Boniface VIII reiterated that the discipline of Cistercians belonged to the Order, that it was to be done by their chief officers, and that their judgements should not be subject to appeal.<sup>603</sup> The evidence suggests that this was observed.<sup>604</sup> There were instances where abbots were free to absolve their flock, instances where they first needed to refer to the general chapter before granting absolution and instances where cases needed to be referred to Rome for it to be granted.

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<sup>601</sup> 'Licet ad hoc fratrum vestri Ordinis pia desudet intentio ut ab eis in his quae faciunt prudenter et provide procedatur secundum deum et ordinis honestatem aliquando tamen ex conditione humanae fragilitatis contingit quod quidam ex ipsis excedunt in casibus in quibus excommunicationis sententiam et notam irregularitatis incurrunt Quare a nobis supplicatione humili postulasti ut cum viri contemplationi dediti sint in religionis favorem a discursibus cohibendi ac propter viarum pericula eisdem fratribus ad nostram praesentiam impediatur accessus super hoc providere de benignitate solita curaremus Nos itaque pie volentes quod vestra devotio in hiis quae digne possumus sedem apostolicam repperisse gaudeat gratiosam ut singuli vestrum in conventibus sibi commissis praedictis fratribus constitutis ibidem absolutione ac dispensatione indigentibus sive priusquam ordinem intraverint sive postea in casibus excesserint memoratis de consilio discretorum fratrum vestrorum qui litterati sint et deum timentes impertiri valeatis absolutionis beneficium et dispensare cum eis vobis auctoritate praesentium concedimus facultatem nisi adeo gravis fuerit et enormis excessus quod merite sint ad sedem apostolicam destinandi. Caeterum volumus vos filii de Cistercio, de Firmitate, et de Pontiniacho, de Clarvalle et de morimundo abbates, hac in praemissis praerogativa de nostra permissione gaudere ut quilibet vestrum abbatibus filiarum et generationis monasterii sui iuxta formam eandem absolutionis et dispensationis huiusmodi beneficium indulgere et ab uno eorum quem elegerit ipse illud auctoritate nostra recipere valeat cum fuerit opportunum. Sane ut nulli ex vobis filii abbates ex mora possit imminere discrimen cum aliqui in necessitatem inciderint absolutionem et dispensationem huiusmodi obtinendi, concedendi eas ipsis quotiens opus fuerit patribus abbatibus eorundem concedimus potestatem. Verum quia super hoc a nobis per errorem vel circumventionem impetrantium quaedam litterae processerunt in quibusdam articulis formam aliam continentes, illas revocamus omnino et decernimus nullius existere firmitatis, praesentes dumtaxat eisque similes vigorem volentes aliis ex nunc irritis optinere. Nulli ergo etc.' *Furness Couchier*, ed. Atkinson, vol. 1, part 3, 547-8

<sup>602</sup> 'Liceat.... (as above) dispensare cum eis ad instar felicitis recordationis Alexandri pape predecessoris nostri vobis auctoritate praesentium concedimus facultatem nisi adeo gravis fuerit et enormis excessus quod merito sint ad Sedem apostolicam destinandi ceterum licitum esse volumus ut tu fili abbas Cistercii ceteris coabbatibus tui ordinis ac unus eorum quem elegeris tibi super premissis iuxta formam eandem beneficium absolutionis et dispensationis huiusmodi si necesse fuerit largiatur verum ne vobis filii abbates ex causa more seu difficultatis aliquod possit imminere discrimen singulis diocesanis vestris presentium auctoritate concedimus ut absolutio et dispensatio huiusmodi ab eis obtineri valeat cum vobis vel alicui vestrum fuerit oportunitum Nulli ergo etc.' *Register Holm Cultram*, ed. Grainger and Collingwood, no. 231. Also see *Register Holm Cultram*, ed. Grainger and Collingwood, 189-190. *Les Registres de Grégoire X*, ed. J. Guiraud (Paris, 1892), no. 402.

<sup>603</sup> *Furness Couchier*, ed. Atkinson, vol. 1, part 3, 552-3

<sup>604</sup> J. E. Sayers, "The Judicial Activities of the General Chapters: 2," *JEH*, 15 (1964), 179

When the abbot of Fulcardimonte absolved his monk against the instruction and counsel of the abbot of Cîteaux he was punished with three days of light penance, one on bread and water.<sup>605</sup> The Chapter's disciplinary role and its level of control rose during the thirteenth century. This development came at the expense of the local abbot. This is spelt out in a statute from 1242. It was the Chapter General that would decide when someone should be released from imprisonment and no abbot or prior should take this decision into their own hands.<sup>606</sup>

A caveat is required about the privileges which operated to keep Cistercian monks from seeking confession from those outside the Order. The right to choose a confessor frequently came before the general chapter.<sup>607</sup> In the fourteenth century it became common for monks and abbots to acquire privileges from the Papacy which allowed them to choose their confessor.<sup>608</sup> In 1383 Urban VI gave the right to all those within the Order to select the confessor who would be able to give them plenary absolution when they

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<sup>605</sup> 'Abbas de Fulcardimonte, qui contra praeceptum et consilium domini Cistercii monachum suum furem absolvit a vinculis quibus tenebatur, tribus diebus sit in levi culpa, uno eorum in pane et aqua.' *Statuta*, ed. Canivez, vol. 2, 1226 :22

<sup>606</sup> 'Deprehensi in vicio indicibili, secundum statutum Ordinis, omni occasione remota incarcerentur usque ad nutum Capituli generalis, abbas vero vel prior qui hoc non fecerit, gradum altaris non ascendat quousque dictum statutum fuerit adimpletum.' *Statuta*, ed. Canivez, vol. 2, 1242:13. Similarly this statute states that the criminal can only be freed by special licence of the General Chapter. 'Monachus falsarius pro crimine falsi in domo de Villari incarceratus numquam liberetur nisi de speciali licentia Capituli generalis.' *Statuta*, ed. Canivez, vol. 2, 1247:60. This said it is always worth remembering that Cistercian Statutes constitute wish lists rather than statements of what always happened.

<sup>607</sup> *Statuta*, ed. Canivez, 1257:5, 1292:4, 1409:9, 18, 37, 1410:21, 69, 1411:18, 53, 57, 63, 1412:49, 1413:26, 27, 34, 72, 73, 1419:32, 1420:20, 27, 1424:35, 43, 44, 1427:36, 47, 1428:14, 15, 1429:14, 25, 32, 33, 1430:29, 1431:31, 36, 1433:14, 1438:35, 1439:56-68, 1440:34, 40, 42, 45, 1445:46, 1446:48, 50, , 1449:27, 1456:46, 105, 1462:28, 1463:23-5, 27, 124. 1464: 64, 1468:54-63, 1469:93-102, 1471:30, 1472:41-5, 1481:73, 74, 1482: 59-63, 1484:60, 83, 1486: 80, 84, 94, 99, 105, 1487:93, 99, 100, 107-110, 115-8, 1488:45, 51, 52, 1497:33, 58, 1515:55.

<sup>608</sup> A. D. M. Barrell, "The Papacy and the regular clergy in Scotland in the fourteenth century," in *Records of Scottish Church History Society*, 24 (1991), 118

were at the point of death.<sup>609</sup> Numerous letters survive for individuals both before this letter and afterwards. In 1351 John of Gisburn, abbot of Sallay, received a letter which granted this right, as did Roger of Lindelay, a monk of Whalley.<sup>610</sup> The right was granted to Richard de Clyddyrhow, monk of Sallay, in 1405, and to Richard Schyrwode, monk of Sallay, in 1425.<sup>611</sup>

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<sup>609</sup> 'Hinc est quod nos vestris supplicationibus inclinati, ut confessor quem quilibet vestrum duxerit eligendum, omnium peccatorum vestrorum de quibus in corde contrite fueritis semel tantum in articulo mortis plenam remissionem vobis, in sinceritate fidei et unitate S. Romanae Ecclesiae, ac obedientia et devotioe nostra vel successorum nostrorum, Romanorum Pontificum, canonice intrantium, persistentibus, auctoritate apostolica, concedere valeat. Devotioni vestrae, tenore praesentium, indulgemus: sic, tamen, quod idem confessor de his de quibus fuerit alteri satisfactio impendenda, tam vobis per vos si supervixeritis, vel per alios si sic forte transieritis, faciendam iniungat, quam vos illi facere teneamini, ut profertur: Et ne, quod absit, propter huiusmodi gratiam reddamini procliviores ad illicit inposterum committenda, volumus quod, si ex confidentia remissionis huiusmodi, quoad illa, praedicta remissio nullatenus suffragetur.' Furness Couchet, ed. Atkinson, vol. 1, part 3, 623-4

<sup>610</sup> 'Hinc est quod nos tuis supplicationibus inclinati ut confessor tuus quem duxeris eligendum omnium peccatorum tuorum de quibus corde contritus et ore confessus fueris semel tantum in mortis articulo plenam remissionem tibi in sinceritate fidei unitate sancte Romane ecclesie de obedientia et devocione nostra vel successorum nostrorum romanorum pontificum canonice intrantium persistenti auctoritate apostolica concedere valeat devocioni tue tenore presentium indulgemus. Sic tamen quod idem confessor de hiis de quibus fuerit alteri satisfactio impendenda eam tibi per te si supervixeris vel per alios si tunc forte transieris faciendam iniungat, quam tu vel illi facere teneamini ut profertur, et ne quod absit propter huiusmodi gratiam reddaris proclivior ad illicita inposterum committenda, volumus quod si ex confidentia remissionis huiusmodi aliqua forte committeres quoad illa predicta remissio tibi nullatenus suffragetur.' *Sallay Cartulary*, ed. McNulty, vol. 2, 182

<sup>611</sup> *Sallay Cartulary*, ed. McNulty, vol. 2, 184. See *Calendar of entries in the papal registers*, ed. Bliss and Johnson, vol. 3, 407. For other examples see *Sallay Cartulary*, ed. McNulty, vol. 2, 195n2 and *Calendar of entries in the papal registers*, ed. W. H. Bliss and J. A. Twemlow, vol. 4, 482. Hundreds of examples could be found in the calendars of papal letters and added to the examples given.

## Cistercian dispute settlement

As well as operating as the enforcer of monastic discipline the general chapter operated as an arbitrator to help settle disputes between Cistercian houses. The earliest surviving examples of this practice occur in the 1150s. No record survives of this practice in the statutes of the general chapter before 1190.<sup>612</sup> In the 1230s the organisation of these records improves significantly.<sup>613</sup> The general chapter prohibited lawsuits being taken to other courts in 1197. Instances are recorded of individuals being disciplined for breaching this regulation.<sup>614</sup> A papal letter of Urban V in 1369 refers a dispute back to the general chapter after one of the protagonists had appealed to a bishop.<sup>615</sup> Bishops were occasionally involved in dispute resolution. Two bishops were among the witnesses in a document recording the resolution of a dispute between Fountains and Furness in

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<sup>612</sup> Records of this practice before 1190 can be found in surviving cartularies. The Furness coucher records an instance from 1183-4 delegated by the General chapter. 'Frater B[ernardus] vocatus abbas Cistercii et totus generalis capituli abbatum conventus universitati ordinis salutem in Domino. Sciatis quod controversia que fuit inter domum de Furnessio et domum de Cumba super loco quodam in Hibernia qui vocatur Ynes amicabile concordia sopita est, mediantibus abbatibus ordinis nostri W[illelmo] de Fontibus R de Hoyl[andia], R de Kursest', J[ohanne] de Parco, P[etro] de Coggehal, S de Valle Dei, Osmundo de Rupe, sub hac forma : Locus predictus cum omnibus pertinentiis suis communi consensu abbatis et conventus de Cumba quietus remanet abbacie de Furnessio ut libere et quiete deinceps illum in perpetuum possideat et de eo et pertinentiis suis pro libitu suo in omnibus disponat. Abbas autem et domus de Furnessio satisfacere abbati de Cumba de expensis quos in predicto loco fecerat. Hanc itaque finalem concordiam inter supradictas domos factam et in generali capitulo Cistercii denuntiata communiter confirmamus et ratam haberi in perpetuum statuimus.' *Furness Coucher*, ed. Brownbill, vol. 2, part3, 715. For two other examples from the 1170s see 1) *Cartulary of Rievaulx*, ed. Atkinson, 175 and Lancaster, *Fountains Cartulary*, vol. 1, 148 and *Monasticon Anglicanum*, ed. Dugdale, vol. 5, 426.

<sup>613</sup> Sayers, "Judicial Activities: 2," 171. Sayers articles discuss this practice in detail.

<sup>614</sup> 'Quando scandalum vel dissensiones vel querela quaelibet in Ordine oriuntur, sicut olim a patribus ordinis est provisum, extra Ordinem numquam exeant, sed intra Ordinem et per personas ordinis charitative, discrete et rationabiliter ad ordinis unitatem sopiantur. Qui contra hoc venire et schism in Ordine facere et conumaciter excitare et procurare praesumpserit, a Deo et Ordine anathema sit donec per humilem satisfactionem redire mereatur. Ea vero quae aliter non potuerint cogruè terminari in generali capitulo proponantur et quod inde per Capitulum fuerit ordinatum, irrefragabiliter teneatur.' *Statuta*, ed. Canivez, vol. 1, 1197:9. Sayers, "Judicial Activities: 2", 178.

<sup>615</sup> *Urbain V (1362-1370) : Littres Communes : Analysées d'après les registres dits d'Avignon et du Vatican*, ed. M et A-M. Hayez, J. Mathieu and M-F. Yvan, vol. 8 (Rome : école française de Rome 1982), p256-7, no. 24277

1211.<sup>616</sup> In 1311 the bishop of Carlisle inspected that document and wrote to the abbot of Cîteaux and the general chapter informing them that the agreement had been infringed.<sup>617</sup>

To my knowledge only one papal letter to England survives dealing with Cistercian dispute settlement. It is recorded in the cartularies of Meaux and Fountains.<sup>618</sup> On 27 April 1245 Innocent IV wrote to the abbots, priors and general chapter of the Cistercian Order. He permitted them to resolve disputes between persons of the Order in accordance with their customs.<sup>619</sup>

Once again a papal letter was issued to buttress the legislation and practice of the Cistercian Order. Evidence from the statutes of the general chapter and from records in various cartularies shows these cases being regularly dealt with throughout the period.<sup>620</sup>

This shows that even though the practice was apparently never sanctioned again in a

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<sup>616</sup> Lancaster, *Fountains Cartulary*, vol. 1, 61

<sup>617</sup> Lancaster, *Fountains Cartulary*, vol. 1, p63, no. 83

<sup>618</sup> University College Oxford, MS 167, f. 37 and Orange, "Meaux Cartulary", no. 58.

<sup>619</sup> 'Ne tranquillitas ordinis vestri iurgiorum concutiatur procellis qui per Dei gratiam bene sufficit suorum scandala iuxta institute propria more solito propulsare ac ne per commissiones apostolicas gravis dissolucionis et ruine pandatur ianua que per providenciam sedis apostolice clementer hactenus clausa fuit. Nos affectantes ipsum ordinem insoliti apostolici favoris gracia et consuete tranquillitatis Concordia conservare ac inquietis vinculum rumpere volentibus discipline necnon et vagare volentibus auferre materiam discurrendi presencium vobis auctoritate concedimus ut oratas inter personas ipsius ordinis discordias possitis prout consuevistis hactenus terminare.' Orange, "Meaux Cartulary", no. 58

<sup>620</sup> Canivez index shows that they were very regular in the thirteenth and fifteenth centuries. They are recorded most regularly in the thirteenth century. Very few cases are noted in the fourteenth century. *Statuta*, ed. Canivez, vol. 8, 413-4. The surviving instances in cartularies only cover the thirteenth and fourteenth century. *Furness Coucher*, ed. Brownbill, vol. 2, part 2, 343, (c. 1200) *Furness Coucher*, ed. Brownbill, vol. 2, part 2, 353-4 (1198-1204), *Furness Coucher*, ed. Brownbill, vol. 2, part 2, 475 (c. 1220); *Byland Cartulary*, ed. Burton, no. 707 (1226), see *Statuta*, ed. Canivez, vol. 2, 42, *Byland Cartulary*, ed. Burton, no. 991 (1238), see *Statuta*, ed. Canivez, vol. 2, 199-200 (no. 72); *Byland Cartulary*, ed. Burton, no. 992: (1236), see *Statuta*, ed. Canivez, vol. 2, 163 (no. 48); Lancaster, *Fountains Cartulary*, vol. 1, 216-7 (1225-6), Lancaster, *Fountains Cartulary*, vol. 1, 321-2, also in *Sallay Cartulary*, ed. McNulty, vol. 2, 13-4 (1251). Lancaster, *Fountains Cartulary*, vol. 1, 322, also in Barnes, *Kirkstall Abbey*, p70 no. 67 and *Sallay Cartulary*, ed. McNulty, vol. 2, 14-6 (1279); *The Cartulary of Forde Abbey*, ed. S. Hobbs (Taunton: Somerset Record Society, 85, 1998), no. 379 (1289), Lancaster, *Fountains Cartulary*, vol. 1, 62, (1302), Lancaster, *Fountains Cartulary*, vol. 1, 62 (1302); *Coucher Book of Whalley*, ed. Hulton, vol. 1, 151-2 (1310); *Coucher Book of Whalley*, ed. Hulton, vol. 1, 99-101 (1333); *Memorials of Fountains*, ed. Walbran, vol. 1, 203-5 (1336). Many more examples could be added to this list from between 1210 and 1300. It is worth noting that cases appear in cartularies which are not recorded in the statutes and vice versa. For example no cases appear in the statutes between 1298 and 1344.

papal privilege it continued beyond the close of the Middle Ages on the continent. The number of these cases does drop in England during the fourteenth century. None are found in English Cistercian cartularies after 1336. One reason for this decline may have been developments within the English legal system. The crown flexed its legal muscles and wrestled many cases out of the hands of the ecclesiastical courts through writs of prohibition and the statutes of praemunire.<sup>621</sup> Disputes between English Cistercian houses were no exception.<sup>622</sup> Another possibility is that the start of the Hundred Years War the following year, which prevented English Cistercians from attending the general chapter, hindered the judicial processes of the Order.<sup>623</sup>

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<sup>621</sup> G. B. Flahiff, "The Writ of Prohibition to Court Christian in the Thirteenth century," *Medieval Studies*, 6 (1944), G. B. Flahiff, "The Writ of Prohibition to Court Christian in the Thirteenth century. II," *Medieval Studies*, 7 (1945), E. B. Graves, "The Legal significance of the Statute of Praemunire of 1353," in *Anniversary essays in medieval history by students of Charles H. Haskins*, ed. C. H. Taylor and J. L. LaMonte (Boston: Houghton Mifflin, 1929), W. T. Waugh, "The Great Statute of Praemunire," *EHR*, 37 (1922), W. T. Waugh, "Historical Revisions: XXVIII: The Great Statute of Praemunire," *History*, 8 (1923-4)

<sup>622</sup> Two instances occur in cartularies where royal officials settle a dispute and no recourse was made to the general chapter. In 1338 a case between Furness and Jervaulx was dealt with by the king's justicier. *Furness Couches*, ed. Brownbill, vol. 2, part 2, 345-9. The second case came before the crown in 1304 as the Cistercians had not gained a royal licence before proceeding with the case. Fountains paid a fine and was granted the land. Lancaster, *Fountains Cartulary*, vol. 1, 64

<sup>623</sup> L. A. Desmond, "The Statute of Carlisle and the Cistercians, 1298-1369," in *Studies in Medieval Cistercian History presented to Jeremiah F. O'sullivan*, ed. B. Pennington (Shannon: Irish University Press, 1971), 153

## Part 2: Cistercian Privileges and the Episcopate

In the previous section we saw that the structures of Cistercian governance were permitted and buttressed by the Papacy. They were not initially considered to be opposed to the functions of the bishop. Over time they increasingly encroached upon Episcopal jurisdiction. This fits with early Cistercians' opposition to exemption and their avoidance of the word.<sup>624</sup> Cîteaux was not initially an exempt house.<sup>625</sup> The Carta Caritatis left a considerable room for the bishop. He authorised the foundation<sup>626</sup> and blessed the abbot.<sup>627</sup>

Episcopal authority falls under two headings. On the one hand bishops held jurisdictional authority and on the other the authority of orders. Privileges could limit either or both of these areas. This limitation could be either partial or total.<sup>628</sup> This section will investigate both kinds, and assess the extent to which episcopal authority was diminished in relation to English Cistercians.

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<sup>624</sup> Pfurtscheller, *Die Privilegierung*, 64-5

<sup>625</sup> Mahn, *L'Ordre Cistercien*, 133

<sup>626</sup> Mahn, *L'Ordre Cistercien*, 131

<sup>627</sup> Lemaitre, "Exemption", 661. Mahn, *L'Ordre Cistercien*, 152

<sup>628</sup> Falkenstein, *La Papauté*, 5-6. Pfurtscheller talks of bishops have authority to teach, to bless and to govern. Pfurtscheller, *Die Privilegierung*, 87

## Benedictions and oaths of obedience

The continuation of Episcopal authority was demonstrated in abbots being blessed by the local bishop, receiving a blessing from him and swearing an oath of obedience to him.<sup>629</sup>

Innocent III stated that exempt houses were free from these oaths.<sup>630</sup> Cistercians continued to swear these oaths and this is one of the ways their privileged position is different from that of individual exempt houses.<sup>631</sup> The oath of obedience that the abbot made had the reservation clause 'salvo ordine nostro' and acknowledged the statutes of the Order. This oath is recorded in a number of Episcopal registers.<sup>632</sup>

In 1175 Alexander III wrote to the abbot of Holm Cultram. If a bishop persistently refused to grant the benediction Alexander permitted the abbot to exercise all his functions until the bishop backed down.<sup>633</sup> This right developed in the 1190s. During the pontificate of Alexander III the local bishop still had to ultimately reconsider and give the blessing. Another bishop could not be asked to perform the service in the place of local

<sup>629</sup> Pfurtscheller, *Die Privilegierung*, 124

<sup>630</sup> Pfurtscheller, *Die Privilegierung*, 128

<sup>631</sup> Pfurtscheller, *Die Privilegierung*, 128

<sup>632</sup> 'Dominus benedixit Fratrem Stephanum, abbatem Buffestrie, qui profitebatur ibidem, sub hac forma- Ego, Frater Stephanus, abbas Bucfestrie, ordinis Cisterciensis, subiectionem, reverenciam, et obedienciam a sanctis patribus constitutam, secundum regulam sancti Benedicti, tibi, Domini Pater, Exoniensis Episcopo, tuisque successoribus canonice substituendis, et sancte sedi ecclesie Exoniensis, salvo Ordine nostro, perpetuo me exhibiturum promitto- Qua, quidem, Professione per dictum Abbatem lecta, eidem subscripsit, et ipsam posuit super Altare capelle de Clyst supradicte- Et est interlinearis- in Capella Manerii de Clyste.' (1328) *Register of John de Grandisson, Bishop of Exeter, 1327-1369*, ed. F. C. Hingeston-Randolph, vol. 1 (London: G. Bell & Sons, 1894), 350. For other examples in the same register see 662, 693, 1047, 1134. *The Register of Thomas of Corbridge*, ed. Brown, vol. 138, 23, 41, 72, 81, 112, 119, 130. Oath is given on 23 and 41 in the above terms.

<sup>633</sup> 'Praeterea si episcopus in cuius parochia domus vestra fundata est, tertio cum humilitate et devotione sicut convenit requisitus abbatem vestrum cum substitutus fuerit benedicere forte noluerit eidem abbati liceat proprios novicios benedicere et alia quae ad officium illud pertinent exercere donec ipse duritiam suam recogitet et benedicendum abbatem benedicere non recuset.' *Monasticon Anglicanum*, ed. Dugdale, vol. 5, 600. Mahn, *L'Ordre Cistercien*, 137-8. For the clause about the bishop's authority see Pfurtscheller, *Die Privilegierung*, 63



ordinary. The privileges speak of the local bishop being asked for some time and this was dropped in later more developed versions. In the 1190s the privilege changed. It had greater strength and clearly moved power out of the hands of the local bishop. When the bishop refused to bless the abbot and confer on him those things that are the bishops to give, the abbot was permitted, assuming he was a priest, to bless his own novices and carry out other functions pertaining to his office.<sup>634</sup> This clause took away any powers the bishop might have to affect the election of the abbot indirectly. It reveals the way some bishops had clearly tried to influence abbatial elections. The privilege represents total freedom from Episcopal interference in abbatial elections. Where previously they could resist the appointment by refusing to bless the bishop, this power was now removed.

During an Episcopal vacancy Celestine III permitted newly selected Cistercian abbots to invite another bishop into the diocese to give the abbatial benediction. This right was given with clauses protecting the rights of the local ordinary. The privilege was clear that permission to go to a different bishop due to a vacancy must not be used to create a precedent for not being consecrated by the local bishop. While the great Benedictine houses could gain their blessings from any bishop similar rights were not given to the Cistercians in the 1190s.<sup>635</sup> This did not change during the Middle Ages.<sup>636</sup> Numerous

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<sup>634</sup> 'Si uero episcopo in cuius parochia domus uestra fundata est, cum humilitate ac deuotione, qua conuenit, requisitus substitutum abbatem benedicere et alia, que ad officium episcopale pertinent, uobis conferre renuerit, licitum sit eidem abbati, si tamen sacerdos fuerit, proprios nouicios benedicere et alia, que ad officium suum pertinent, exercere et omnia uobis ab alio episcopo percipere, que a uestro fuerint indebite denegata.' *Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 440

<sup>635</sup> 'Quod si sedes diocesani episcopi forte uacauerit interim omnia ecclesiastica sacramenta a uicinis episcopis accipere libere et absque contradictione possitis sic tamen ut ex hoc in posterum propriis episcopis nullum preiudicium generetur.' *Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 440. Pfaff sees this as one of the key elements of exemption. He saw exemption from Episcopal jurisdiction when the consecration of the abbot could be administered by any bishop according to desire of the monastery or the Pope. Pfaff, "Sankt Peters Abteien," 172-3

examples could be given throughout the period.<sup>637</sup> In 1410 letters were sent notifying the archbishop of York of the appointment of the next abbot of Fountains. He was asked to bless the new abbot, which he did. The records of the proceedings were then sent to the general chapter for ratification.<sup>638</sup> The bishop of Coventry and Lichfield blessed the abbot of Jervaulx in 1304. This happened after the archbishop of York granted a licence.<sup>639</sup>

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<sup>636</sup> There were individual exceptions granted by Benedict XII. None of these were to English houses. J. B. Mahn, "Le Pape Benoît XII et les Cisterciens," *Bibliothèque de l'École des Hautes Études* (Paris : Champion, 1944), 22

<sup>637</sup> In 1267 'In vigilia ascensionis, scilicet die Sancti Urbani papae et martyris, frater H. Brun, supprior Furnensis, unanimi voce et voluntate monachorum electus est et creatus in abbatem dictae domus, praesentibus abbatibus de Cokessall, de Geravalle, de Sallay, de Caldra, auctoritate Saviniacensis abbatis illis commissa. Qui post modicum profectus est ad generale capitulum... sed et abbas Furnesii, a capitulo rediens generali, dicto die ibidem a dicto archiepiscopo benedictionem debitam suscepit.' *Chronicles of the reigns of Stephen, Henry II and Richard I*, ed. R. Howlett, vol. 2 (London: Rolls Series, 82, 1885), 552-4. '(1285) Obiit Hugo de Leuckenor abbas Waverleyae, cui successit frater Philippus de Bedewinde a conventu canonice electus, et die Paschae proxima sequente in cathedrali ecclesia Wintoniensi episcopalem benedictionem est assectus.' *Annales Monastici*, ed. Richards Luard, vol. 2, 403. Three instances can be seen for Kirkstall abbey in 1289, 1304 and 1314. Barnes, *Kirkstall Abbey*, 71. In 1479 the abbot of Buckfast wrote to the Bishop of Winchester informing him that a new abbot of Quarr had been elected and asking him to give the abbatial blessing. *Quarr Charters*, ed. Hockey, no. 57. Gilbanks records the bishop of Carlisle was to give the benediction and receive the oath of obedience from the elected and confirmed abbot of Holm Cultram. *Holm Cultram Records*, ed. Gilbanks, 117

<sup>638</sup> *Memorials of Fountains*, ed. Walbran, vol. 1, 206-7 and *Statuta*, ed. Canivez, vol. 4, 133.

<sup>639</sup> *The Register of Thomas of Corbridge*, ed. Brown, vol. 141, 166

## Consecrations

Other rights were reserved for the diocesan bishop, including the ordination of priests, vessels and vestments, as well as the consecration of holy oil and altars.<sup>640</sup> Only if the bishop demanded a fee to consecrate altars or oils could the abbey turn to any bishop of their choice.<sup>641</sup> Gilbert Foliot is recorded dedicating the great altar at Coggeshall in 1167.<sup>642</sup> Altars were dedicated at Waverley in 1225<sup>643</sup> and 1231,<sup>644</sup> by a representative of the bishop of Winchester. The churches at Forde, in 1239<sup>645</sup> and the churches at Combe<sup>646</sup> and Hayles<sup>647</sup> in 1250, at Waverley in 1249<sup>648</sup> and Whalley in 1306<sup>649</sup> were all dedicated by the local bishop.

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<sup>640</sup> Pfortscheller, *Die Privilegierung*, 91-2. An instance of a bishop consecrating holy oil can be seen at Waverley in 1274. 'Hoc anno in Coena Domini confectum est sacrum crisma apud Waverleiam a viro venerabili Nicholao episcopo Wintoniensi, qui eodem die in refectorio cum conventu comedit.' *Annales Monastici*, ed. Richards Luard, vol. 2, 383-4

<sup>641</sup> 'Pro consecrationibus vero altarium vel ecclesiarum, pro oleo sancto vel quolibet ecclesiastico sacramento nullus a vobis sub obtentu consuetudinis vel alio modo quicquam audeat extorquere, sed hec omnia gratis vobis episcopus dioceanus impendat. Alioquin liceat vobis quemcumque malveritis catholicum adire antistitem gratiam et communionem sacrosancte Romane sedis habentem, qui nostra fretus auctoritate vobis quod postulatur impendat.' *Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 440.

<sup>642</sup> *Radulphi de Coggeshall chronicon anglicanum*, ed. J. Stevenson (London: Rolls Series, 66, 1875), 16

<sup>643</sup> 'Tertio kal Februarii, sexta feria, dedicate sunt altaria duo, in crastino subsequent, viz. Sabbato, unum in aquilonali cruce ecclesiae nostrae, a domino Johanne episcopo, tunc vicario domini P[etri] Wintoniensis, in praesentia eiusdem Wintoniensis.' *Annales Monastici*, ed. Richards Luard, vol. 2, 301-2

<sup>644</sup> 'In die Sancti Barnabae consecrate sunt duo altaria, in crastino vero unum in Australi cruce ecclesiae nostrae a domino Johanne episcopo, tunc temporis domini Wintoniensis vicario. Die quoque consecrationis eorum venerantibus x dies remissionis concessit, totidem vero dies indulgentiae idem episcopus concessit, quando tria altaria in aquilonali cruce dedicavit..... Petrus de Rupibus Wintonensis episcopus, rediens de Terra Sancta, applicuit in Angliam, circa festum Sancti Jacobi Apostoli.' *Annales Monastici*, ed. Richards Luard, vol. 2, 309-10

<sup>645</sup> 'Ecclesia de Forda dedicata est a domino Willelmo Exoniensi episcopo.' *Annales Monastici*, ed. Richards Luard, vol. 2, 323

<sup>646</sup> 'Dedicata fuit ecclesia de Cumba hoc anno, scilicet pridie idus Octobris. Omnibus igitur vere poenitentibus, et ecclesiam illam die illo annuatim, causa relaxationis obtinendae, venerantibus, xl dies indulisit episcopus, qui illam dedicavit.' *Annales Monastici*, ed. Richards Luard, vol. 2, 343

<sup>647</sup> 'Dedicata fuit hoc anno non Novembris ecclesia de Heles, praesentibus xiii episcopis, a quibus xiii altaria eo die in ipsa ecclesia dedicate fuerint.' *Annales Monastici*, ed. Richards Luard, vol. 2, 343

<sup>648</sup> 'item hoc anno die sancti Mathaei apostolic evangelistae quae tunc feria iv erat dedicata est ecclesia de Waverle in honore gloriosae Virginis Dei genitricis Mariae a domino Nicholao de Hely Wintoniensi episcopo, qui universis eadem die ibidem praesentibus pia devotione annum relaxationis indulisit, et xl dies

## Ordinations

The local bishops held the right to ordain monks as priests. In 1302-3 the archbishop of York gave a licence to the bishop of Carlisle to ordain monks from Furness.<sup>650</sup> The bishop's right to examine candidates for ordination was removed by Innocent IV.

Cistercian candidates for ordination did not have to be examined by the bishop. Two exceptions were given. One when a serious crime had been committed by the candidate and the other when he suffered from a severe physical disability.<sup>651</sup> Those of illegitimate descent had to obtain a papal dispensation in order to be admitted to the priesthood.<sup>652</sup> A case from 1273 shows that the privilege regarding ordination was not always upheld.

That year the register of the archbishop of York records among the names of those examined for the priesthood four monks of Kirkstall, four of Fountains, one from Roche and one from Byland.<sup>653</sup>

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omnibus praedictum in anniversario dedicationis locum frequentantibus concessit perpetuo duraturos; volens igitur dictus pontifex ex abundanti gratia et devotione, ut universa dictae dedicationis in laude et jocunditate complerentur, cunctis ibidem eo die advenientibus, in victualibus, propriis sumptibus splendid ministravit.' *Annales Monastici*, ed. Richards Luard, vol. 2, 390

<sup>649</sup> T. D. Whitaker, *An History of the Original Parish of Whalley, and Honor of Clitheroe, in the Counties of Lancaster and York*, vol. 1 (London: Nichols and Lyons, 1872), 90

<sup>650</sup> *The Register of Thomas of Corbridge*, ed. Brown, vol. 141, 154

<sup>651</sup> 'Cum itaque sicut lecta coram nobis universitatis vestrae petitio continebat, monachi ordinis vestri ab institutione ipsius soliti sunt a praelatis ecclesiarum sine aliqua examinatione ad ordines promoveri, nos devotionis vestrae precibus inclinati ut hoc ipsum circa monachos eiusdem ordinis, eis dumtaxat exceptis in quibus fuerit notorium crimen vel enorme corporis vitium, a praelatis eisdem perpetuis temporibus observetur, auctoritate praesentium duximus statuendum.' Orange, "Meaux Cartulary", no. 62, *OPD*, ed. Sayers, no. 349, *Cartulary of Rievaulx*, ed. Atkinson, no. 281, *Meaux Chronicle*, ed. Bond, vol. 2, 68. See Mahn, *L'Ordre Cistercien*, 92-3. Pfurtscheller, *Die Privilegierung*, 92-3. Right at the end of our period Innocent VIII grates that the abbot of Furness could confer minor orders and the subdiaconate. *Furness Coucher*, ed. Brownbill, vol. 2, part 3, 796-8

<sup>652</sup> Honorius III granted this concession to a monk of Aberconway in 1225. *Calendar of entries in the papal registers*, ed. Bliss, vol. 1, 102 and a monk of Sallay received the same dispensation from Innocent VI in 1358. *Calendar of entries in the papal registers*, ed. Bliss and Johnson, vol. 3, 595. Also see *Sallay Cartulary*, ed. McNulty, vol. 2, 183

<sup>653</sup> *The Register of Walter Giffard, Lord archbishop of York, 1266-79*, ed. W. Brown (Durham: Surtees Society, 109, 1904), 196-7

## Visitation and Synods

Aspects of Episcopal authority were chipped away in a piecemeal fashion throughout the twelfth century. The right to be exempt from Episcopal visitation is recorded in the *Carta Caritatis*, which set up a system of visitation by father abbots.<sup>654</sup> In 1245 Innocent IV reiterated the right that Cistercian houses were to be visited only by abbots of their own order,<sup>655</sup> as did Alexander IV<sup>656</sup> and Urban IV.<sup>657</sup> Bishops maintained the right to visit churches appropriated to Cistercian monasteries.<sup>658</sup> While bishops often demanded hospitality at monasteries<sup>659</sup> there are no surviving instances of an English bishop trying to conduct an Episcopal visitation of a Cistercian house. When Cardinal Ottoboni was in England as legate from 1265 to 1268 he visited exempt monasteries and orders. Stratford Langthorne refused to admit the visitors and appealed to Clement IV citing the privileges

<sup>654</sup> Mahn, *L'Ordre Cistercien*, 97-9. Pfurtscheller, *Die Privilegierung*, 100-103

<sup>655</sup> University College Oxford, MS 167, f. 68, Orange, "Meaux Cartulary", no. 61, *Cartulary of Rievaulx*, ed. Atkinson, 202, *OPD*, ed. Sayers, no. 337

<sup>656</sup> University College Oxford, MS 167, f. 30v, Harley 3911, f. 155 and Harley 3891, f. 129v, Oxford Bodl Top Devon d. 5, f. 8v and f. 11, *Monasticon Anglicanum*, ed. Dugdale, vol. 5, 229, no. III.

<sup>657</sup> Orange, "Meaux Cartulary", no. 71

<sup>658</sup> Barnes, *Kirkstall Abbey*, 71. The priest in the church appropriated to the monastery answers to the bishop in matters concerning the care of souls. Register of Carlisle, *English Episcopal Acta*, ed. D. M. Smith, vol. 30, nos. 23, 47, 48. A papal letter to Furness of 1222 granted immunity from payment of procurations, save only when their churches were visited personally by archbishops or archdeacons. *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 669-670. See Sibton 1360 (*Sibton Cartularies*, ed. Brown vol. 4, 101-2

<sup>659</sup> Barnes, *Kirkstall Abbey*, 70-1, *The Register of William Greenfield Lord Archbishop of York, 1306-1315*, ed. W. Brown and A. Hamilton Thompson, vol. 2 (Durham: Surtees Society, 149, 1934), xxii, *The Register of William Greenfield* ed. W. Brown and A. Hamilton Thompson, vol. 4, 85, *The Register of William Greenfield*, ed. W. Brown and A. Hamilton Thompson, vol. 5, 29, *Documents relating to Diocesan and Provincial Visitations from the registers of Henry Bowet, Lord Archbishop of York, 7 Oct. 1407-20 Oct. 1423 and John Kempe, Cardinal-Priest of Santa Balbina, Lord Archbishop of York, 20 July 1425-21 July 1452*, ed. A. Hamilton Thompson, (London: Surtees Society, 127, 1916, 1916), p138, 249, *Sallay Cartulary*, ed. McNulty, vol. 1, 46, *The Register of Thomas of Corbridge*, ed. Brown, vol. 1, 51.

of their order. There is no evidence as to how this dispute was resolved.<sup>660</sup> What is clear is that Cistercians fought to defend their privileges.

Innocent II exempted Clairvaux and Cîteaux from attending diocesan synods in 1132 and the right was exercised by other Cistercian houses.<sup>661</sup> The right does not appear in an English Cistercian privilege until the 1180s. It is improbable that this clause was included in letters to English Cistercian houses that have now been lost. It seems unlikely that this was observed but not recorded in individual privileges because it was granted in a wider privilege. If this were the case it would make possessing individual grants which repeated general grants pointless. The records of diocesan synods are sparse and the attendance records are almost nonexistent in England from 1140 to 1180. Ailred of Rievaulx, who died in 1167, preached in many local synods.<sup>662</sup> The abbot of Waverley is recorded at the bishop of Winchester's synod in 1148-1153.<sup>663</sup> These incidents place both abbots at the scene of a synod. There is no evidence to confirm they stayed for the proceedings. It is recorded that three Benedictine abbots and one Cistercian abbot attended the Council of Westminster in 1175<sup>664</sup> and 'this hardly seems likely to be a complete list.'<sup>665</sup> At least one

<sup>660</sup> R. Graham, "Cardinal Ottoboni and the Monastery of Stratford Langthorne," *EHR*, 33 (1918), 213

<sup>661</sup> Mahn, *L'Ordre Cistercien*, 136-7. Mahn, *L'Ordre Cistercien*, 99. Pfurtscheller, *Die Privilegierung*, 98-100

<sup>662</sup> 'the bishop orders him (Ailred) to preach to the clergy in their local synods and he does so; to bring priests to a better way of life, as he does not fail to do' *The Life of Ailred of Rievaulx* by Walter Daniel, trans. F. M. Powicke (London: Thomas Nelson and Sons, 1950), 28 and 'unless I am wrong, he preached about two hundred most eloquent sermons, worthy of all praise, in our chapters, in synods and to the people.' (Sermones disertissimos et omni laude dignos in capitulis nostris et in synodis et ad populos peroravit, qui ad ducentas ni fallor determinaciones pervenerunt. *The Life of Ailred of Rievaulx*, trans. Powicke, 42

<sup>663</sup> *English Episcopal Acta*, ed. M. J. Franklin, vol. 8, no. 54

<sup>664</sup> This council has been described as a provincial council for Canterbury. It should not be forgotten that the archbishop was also a legate at this point. The claim that the council was a legatine council has been

Cistercian abbot attended. This could indicate more did and were not included in the record. The Council made a pronouncement stating that Cistercians must not hold churches.<sup>666</sup> This restriction simply repeated an earlier papal decree. Nevertheless this shows that the Council believed it had authority over Cistercian houses. It appears the English Cistercians did not hold a privilege that exempted them from the power of diocesan synods or presence at them. If this is correct it adds further weight to the argument that the 1180s saw a decisive development for Cistercian privileges. The general chapter's functions developed significantly at this point and this in turn had a dramatic effect upon their privileges. The Carta Caritatis and the privileges which confirmed it acted in a similar way to a tree planted in fertile soil. The full effect of those privileges was not felt until the general chapter developed further. They had a significant impact when they were promulgated. As the chapter evolved those earlier privileges branched out to impact many different areas.

In a letter to the abbots of Rievaulx, Fountains and all Cistercian abbots in either 1186 or 1187 Urban III stated that bishops and other persons were prevented from compelling Cistercian abbots to attend synods or meetings. At that point one major form of Episcopal power was undermined.<sup>667</sup> One of the functions of the bishop was to teach. Privileges

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seriously challenged. C. R. Cheney, "Legislation of the Medieval English Church Part II," *EHR*, 50 (1935), 385-6

<sup>665</sup> *Councils and Synods*, vol. 1, part 2 (1066-1204), ed. D. Whitelock, M. Brett and C. N. L. Brooke (Oxford: Clarendon Press, 1981), 966. One point of interest to note regarding Cistercian attendance at Councils is that the Cistercians do not appear to have attended the Council of Tours in 1163. While this marks an early peak in papal letters to England, not a single Cistercian letter survives for this year.

<sup>666</sup> *Councils and Synods*, ed. Whitelock, Brett and Brooke, vol. 1, part 2, 969

<sup>667</sup> 'Nullus etiam vos vel fratres vestros ad concilia, synodos aut aliquos forenses conventus ire vel iudicio seculari de substantia vestra propria vel possessionibus subiacere compellat nec ad domos vestras accedat causa ordines celebrandi, chrisma faciendi, causas tractandi vel aliquos publicos conventus convocandi.' *Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 396. See also Celestine III's letter to Fountains in

never interfered with this role. This explains why when matters of faith were dealt with attendance at synod was required of Cistercians.<sup>668</sup> This can be seen in privileges about attendance at synods or public assemblies issued by Innocent IV.<sup>669</sup> The same point is reiterated by Alexander IV in 1261.<sup>670</sup> The abbot of Waverley was present at a convocation at Canterbury in 1292 which was convened at the pope's request in order to gather advice after the fall of Acre in 1291.<sup>671</sup> The abbots of Byland, Calder, Fountains, Furness, Holm Cultram, Jervaulx, Kirkstall, Meaux, Rievaulx, Rufford and Sallay were summoned to a council of the Northern Province in 1311. The council primarily came together to complete the proceedings against the Templars. Both concerned matters of faith.<sup>672</sup>

Struggles took place throughout the period to enforce and ignore these privileges.

Records for Netley show that the exemption from synod attendance had to be fought for.

Their right was repeated and sentences promulgated against them were repealed.<sup>673</sup>

Archbishop John Peckham demanded that abbots from exempt houses attend the council

1192. 'Insuper auctoritate apostolica inhibemus, ne ullus episcopus uel quelibet alia persona ad synodus vel conuentus forenses uos ire uel iudicio seculari de uestra propria substantia uel possessionibus uestris subiacere compellat nec ad domus uestras causa ordines celebrandi, causas tractandi uel aliquos publicos conuentus conuocandi uenire presumat nec regularem electionem abbatis uestri impediatur aut de instituendo uel remouendo eo, qui pro tempore fuerit, contra statuta Cisterciensis ordinis se aliquatenus intromittat.'

*Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 440

<sup>668</sup> Pfortscheller, *Die Privilegierung*, 87

<sup>669</sup> *OPD*, ed. Sayers, nos. 280, 346, University College Oxford, MS 167, f. 35v, Marham, f. 6, *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 600-1, Orange, "Meaux Cartulary", nos. 54, 55, 57, *Sibton Cartularies*, ed. Brown vol. 2, no. 461, Harley 3911, f. 148, *Register Holm Cultram*, ed. Grainger and Collingwood, 98, no. 272, BL, Harley 2064, f. 56, PRO Exchequer, Augmentation office, Ancient Deeds. Series BB, E 328/ 40; Oxford Bodl Top Devon d. 5, f. 12v. See *Monasticon Anglicanum*, ed. Dugdale, vol. 5, 234.

<sup>670</sup> *OPD*, ed. Sayers, no. 637

<sup>671</sup> *Councils and Synods with other documents relating to the English Church, II, 1205-1313*, ed. F. M. Powick and C. R. Cheney, vol. 2 (Oxford: Clarendon Press, 1964), 1107

<sup>672</sup> *Councils and Synods*, ed. Powick and Cheney, vol. 2, 1281, 1326, 1327, 1334, 1337.

<sup>673</sup> *Calendar of entries in the papal registers*, ed. W. H. Bliss, vol. 1, nos. 212 and 994. Ref from C. A. F. Meekings, "The Early Years of Netley Abbey," *JEH*, 30 (1979), 29.



of Lambeth in 1281. A number of the great Benedictine houses appealed against this, as did the Cistercians.<sup>674</sup> The sheer number of copies of this privilege which survive may be evidence of the battle that took place to enforce the privilege. Attendance was still prohibited in 1518 when the general chapter repeated that Cistercian abbots should not attend diocesan synods.<sup>675</sup> Cistercian houses could be made to attend in respect of their churches. This drew Coggeshall to synod in 1223-5.<sup>676</sup> A legatine council was held in London in 1237. The Waverley annals record that a few Cistercian abbots were present.<sup>677</sup> The abbot of Stanlaw returned from the council of London in 1259.<sup>678</sup> The abbot of Holm Cultram was so involved in the diocesan synod that he was made its official in 1353. He summoned individuals to the synod and told them its business.<sup>679</sup> The bursars' book of Fountains has references to expenses being incurred due to attendance at

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<sup>674</sup> 'Ab hac sententia per dominos abbates de Westmonasterio, de Sancto Eadmundo, de Sancto Albano et de Waltham fuerat principaliter appellatum. Cistercienses vero se constanter appellarunt ; alii autem quidam exempti appellarunt, suam tamen appellationem tepide prosequentes, pro eo quod archiepiscopus dissimulavit, quoad quosdam, executioni suam sententiam demandare.' *Annales Monastici*, ed. Richards Luard, vol. 2, 397. It is unclear what happened. The resolution regarding the Cistercians is unclear. Some details survive for specific exempt houses. *Councils and Synods*, ed. Powicke and Cheney, vol. 2 part 2, 887n. 2

<sup>675</sup> 'Ne statuta nostra videamur pervertentes tolerare, generale Capitulum omnibus et singulis Ordinis abbatibus sub poena depositionis districte prohibet, ne deinceps episcoporum synodis aut iurisdictionibus compareant, nec subsidia seu iucundum adventum dare praesumant; si vero contra privilegia nostra compellantur abbates illius provinciae vel patriae congregati subsidium caritativum pro defensione simul faciant.' *Statuta*, ed. Canivez, vol. 6, 1518:82

<sup>676</sup> C. R. Cheney, *English Synodalia of the thirteenth century* (Oxford: Oxford University Press, 1941), 23-4.

<sup>677</sup> *Annales Monastici*, ed. Richards Luard, vol. 2, 318

<sup>678</sup> Whitaker, *An History of the Original Parish of Whalley*, vol. 1, 88

<sup>679</sup> *Victoria History of the County of Cumberland*, ed. J. Wilson, vol. 2 (London: Constable, 1905), 37

diocesan synod in 1456-7 and 1457-8.<sup>680</sup> The abbot of Fountains was fined 10s in 1469 for failure to attend the diocesan synod.<sup>681</sup> It is unclear whether he paid or appealed.

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<sup>680</sup> 'in exp. Eiusdem Apud Karlell ad synod, viis. Viii ob.' Memorials of Fountains, ed. Walbran, vol. 3, 27, 'in con'li per bursarium apud karlell ad sinod, xiiis. Xd' Memorials of Fountains, ed. Walbran, vol. 3, p29. 'i. c. p. Eumdem apud keswyke deinde ad karlele ad sinodum et alibi per quindenam, xiiis. Ixd. Ob' and 'in exp. Eiusdem ad Sinodum de karlell, ixd.' Memorials of Fountains, ed. Walbran, vol. 3, 71. There is also a reference in the memorandum book for 1446-1458 to expenses incurred due to the synod. 'in exp. Apud Crosthwaite in synodo Karl. In parte, vd.' Memorials of Fountains, ed. Walbran, vol. 3, 151.

<sup>681</sup> Victoria History of Cumberland, ed. Wilson, vol. 2, 37

## Rights to elect and depose abbots

The Carta Caritatis, both Prior and Posterior, laid down regulations for the election of abbots. Both refer to the presence of the father abbot and both refer to the role of the brethren of that house. Neither refers to the bishop's role.<sup>682</sup> The Carta Caritatis Prior and Posterior have differing regulations for the deposition of abbots. The Carta Caritatis Prior states that the diocesan bishop should be informed of an errant abbot and if the bishop finds him incorrigible he should remove him. If the bishop did not act to maintain the rule then the abbot of Cîteaux and other Cistercian abbots would then depose the wayward abbot.<sup>683</sup> The Carta Caritatis Posterior makes no mention of the bishop, only referring to the father abbot and other abbots of the Order acting to remove the offender.<sup>684</sup> Privileges to English Cistercian houses contain clauses about the election and deposition of abbots from 1156.<sup>685</sup> Of the material for English Cistercian houses from 1156 to 1181 that survives fifteen houses are represented. Nine have the clause.<sup>686</sup> The clause does not permit the diocesan bishop to impede abbatial elections. The bishop was prevented from being involved in the removal or deposition of abbots. The bishop should not do this as it would be against the statutes of the Order and her privileges.<sup>687</sup> The reference to statutes

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<sup>682</sup> *Narrative and legislative texts*, ed. Waddell, 450, 502

<sup>683</sup> *Narrative and legislative texts*, ed. Waddell, 447-8

<sup>684</sup> *Narrative and legislative texts*, ed. Waddell, 503. The Summa Carta Caritatis has the father abbot informing the bishop of a wayward abbot. However the deposition is handled by abbots from the order. *Narrative and legislative texts*, ed. Waddell, 406

<sup>685</sup> Falkenstein places the privileges regarding deposition under Alexander III. Falkenstein, *La Papauté*, 212-3

<sup>686</sup> *Papsturkunden in England*, ed. Holtzmann, vol. 1, nos. 63, 80, 81, 182, vol. 3, nos. 116, 142 and 305. *Patrologiae Latinae*, ed. Migne, vol. 200, 92, *Monasticon Anglicanum*, ed. Dugdale, vol. 5, 599, *Memorials of Fountains*, ed. Walbran, vol. 2, part 1, 78

<sup>687</sup> 'Presenti quoque decreto sancimus, ut episcopus, in cuius episcopatu ecclesia vestra consistit, nec regulam electionem vestri abbatis unquam impediatur nec de removendo ac deponendo eo, qui pro tempore fuerit, contra statuta Cisterciensis ordinis et auctoritatem privilegiorum suorum se ullatenus intromittat.' *Papsturkunden in England*, ed. Holtzmann, vol. 1, no. 63

almost certainly refers to the Carta Caritatis Posterior. Here the privilege to an individual house is based upon central legislation. Why then do six of the fifteen houses not have this clause? It is possible that the clause was included to defend the freedom due to previous attempts to interfere or the strong fear that the bishop at that point might seek to involve himself. In the 1190s the election and deposition clause was repeated.<sup>688</sup> There are no recorded instances where the bishop interfered or tried to interfere to either influence a Cistercian abbatial election or to depose a Cistercian abbot.<sup>689</sup> Plenty of examples survive throughout the period of elections<sup>690</sup> and depositions<sup>691</sup> taking place according to the customs of the Cistercian Order.

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<sup>688</sup> 'Insuper auctoritate apostolica inhibemus, ne ullus episcopus uel quilibet alia persona ad synodus vel conuentus forenses uos ire uel iudicio seculari de uestra propria substantia uel possessionibus uestris subiacere compellat nec ad domus uestras causa ordines celebrandi, causas tractandi uel aliquos publicos conuentus conuocandi uenire presumat nec regularem electionem abbatis uestri impediat aut de instituendo uel remouendo eo, qui pro tempore fuerit, contra statuta Cisterciensis ordinis se aliquatenus intromittat.' Papsturkunden in England, ed. Holtzmann, vol. 3, no. 440. Also see vol. 1, nos. 264, 322, 346, vol. 3, nos. 440, and 447

<sup>689</sup> This is however implied in the papal letters discussed earlier which dealt with bishops refusing to bless abbots.

<sup>690</sup> Memorials of Fountains, ed. Walbran, vol. 1, 206, 230. Rufford Charters, ed. Holdsworth, vol. 2, no. 732, Quarr Abbey and its lands, 27, 114-5, Flores Historiarum, ed. H. Richards Luard, vol. 3 (London: Rolls Series, 95, 1890), 344, Letters from English Abbots, ed. Talbot, no. 128, Annales Monastici, ed. Richards Luard, vol. 2, 403, Meaux Chronicle, ed. Bond, vol. 1, 289, vol. 3, 277, Letters from Ireland, ed. O'Dwyer, nos. 16, 59, 102-3. Barnes, Kirkstall Abbey, 69

<sup>691</sup> Letters from English Abbots, ed. Talbot, nos. 7, 11, 28, 128, 129, Statuta, ed. Canivez, vol. 8, 161-3.

## Saving Episcopal authority

A shift does occur from the phrase ‘salua sedis apostolice auctoritate et diocesani episcopi canonica reuerentia’ to ‘salua auctoritate Romane ecclesie’ alone. Mahn and Pfurtscheller agree that this development occurred during the pontificate of Alexander III.<sup>692</sup> Early letters of Alexander III to English Cistercians do include reference to the bishop. The clause saving the authority of the bishop occurs sixteen times in the English material. With one exception these all date to 1162 or before. The exception refers specifically to the Episcopal rights just in regard to churches which the monastery had recently acquired.<sup>693</sup> The phrase ‘salua sedis apostolice auctoritate’ occurs twenty-one times, once in 1154-5 and once 1160,<sup>694</sup> twice in undated papal letters for the reign of Alexander III and seventeen times in or after 1172.<sup>695</sup> As seventeen rather than two of these letters can be dated after 1172 and because most papal letters to England which have survived from the pontificate of Alexander III date after 1172 it is highly probable that those two undated letters date from after 1172. Internal diplomatic evidence suggests that one of these two letters should definitely be dated after 1172. In a clause on the punishment of those who commit crimes against monasteries a variant appears in this letter that refers to what should happen should someone set fire to the monastery. This appears four other times in the English material and these are dated 1172, 1175, 1176 and

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<sup>692</sup> Mahn, *L'Ordre Cistercien*, 137-8. Pfurtscheller, *Die Privilegierung*, 63

<sup>693</sup> ‘salua sedis apostolice auctoritate et in predictis ecclesiis diocesani episcopi canonica iustitia.’

*Papsturkunden in England*, ed. Holtzmann, vol. 1, no. 346

<sup>694</sup> The two monasteries which have this phrase in 1154-5 and 1160 respectively are Byland and Sibton.

<sup>695</sup> The two monasteries which have only been dated to the pontificate of Alexander III are to Garendon and Strata Florida. Only one letter between 1163 and 1171 survives to an English Cistercian house and it has neither clause.

1177. This strongly suggests that this letter<sup>696</sup> dates from a similar period. The clause saving only papal authority becomes the norm in the surviving English material from 1172. That marks a shift in the nature of Episcopal authority in relation to English Cistercians. This can be seen in a letter to Fountains dated 1173. Alexander III stated that should the bishop demand anything beside due obedience, which is against the customs of the Order, the abbot may refuse him. If the bishop should publish a sentence against them for this it was to be declared void.<sup>697</sup>

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<sup>696</sup> Papsturkunden in England, ed. Holtzmann, vol. 1, no. 182

<sup>697</sup> 'Sane si episcopus a monasterio Fontanensi aliquid preter debitam obedientiam contra antiquam et rationabilem consuetudinem et libertatem ordinis a predecessoribus nostris et nobis ipsis indultam expetierit, liberum sit abbati Fontanensi denegare quod petitur, ne occasione ipsa ordo ipse, qui hactenus liber extitit, perpetue seruitutis laqueo uinciatur. Quod si episcopus aliquam propter hoc in personam uel monasterium Fontanense sententiam promulgauerit, eandem sententiam tamquam contra apostolice sedis indultam libertatem prolatam irritam esse sancimus.' Papsturkunden in England, ed. Holtzmann, vol. 3, no. 193. The previous spirit, allowing for the bishops judicial authority to be clearly imposed upon the monasteries, seems to be represented in a letter from Alexander III to the archbishops and bishops of England. 'Huius itaque rationis intuitu prouocati antiquas et rationabiles eorum institutiones auctoritate apostolica confirmantes uniuersitati uestre per apostolica scripta precipiendo mandamus, quatinus super eorum obseruationibus eisdem fratribus nullatenus obsistatis nec quelibet impedimenta prestetis, quatinus eas libere sicut hactenus exequantur immo potius sicut ex iniuncto uobis officio noscitur conuenire, si qui forte fratrum predictorum exorbitare uoluerit, ad obseruanciam ordinis sui et reuerentiam patrum abbatum episcopali eos auctoritate conuenire curetis et etiam si opus fuerit districte compellere.' Papsturkunden in England, ed. Holtzmann, vol. 3, no. 253. The letter dates from 1159 to 1179. The letter orders English bishops to support the observance of the Cistercian rule which would suggest an early date. There are three obvious possibilities. Either the start of the pontificate, or after 1163 or 1165, the two years when Alexander III confirmed the Carta Caritatis. Narrative and legislative texts, ed. Waddell, 162

## Corrective powers removed

From this point the corrective power of the bishop began to decline. Alexander III prevented bishops using excommunication against Cistercian abbeys to coerce them.<sup>698</sup> Before then Roger of York had placed Rievaulx under interdict and excommunication, in either 1164 or 1181. 1164 fits much better with the context. The objection that Alexander III raised was not to the right to issue the sentence but to the injustice of the reason. The sentences had been passed due to Rievaulx's refusal to pay tithes from which they were exempt.<sup>699</sup> In 1172 the first occurrence in an English Cistercian privilege of rights about excommunication appeared.<sup>700</sup> This developed until Lucius III freed the Cistercians completely from Episcopal excommunication.<sup>701</sup> The privilege was extended to their servants to prevent *latae sententiae* excommunication.<sup>702</sup> Then Honorius III granted the privilege to founders and benefactors.<sup>703</sup> These privileges were reiterated and clarified by later popes. Innocent IV stated in a privilege that members of a Cistercian monastery's household, their servants, their benefactors, even those who grind in their mills or cook in their ovens, were exempted from ecclesiastical authorities passing sentence of excommunication or interdict against them.<sup>704</sup> Honorius III exempted the Cistercians

<sup>698</sup> Mahn, *L'Ordre Cistercien*, 137-8. For the clause about the bishop's authority see Pfurtscheller, *Die Privilegierung*, 63

<sup>699</sup> 'Inter cetera siquidem dilectorum filiorum nostrorum abbatis et fratrum de Rievallie querimoniam gravem recepimus, quod eorum ecclesiam interdicto supposuisti et monachos comminatus es excommunicationis vinculo innodare, donec cuidam clerico tuo decimas compulsi sunt reddere, quas eis beneficio privilegiorum suorum apostolica sedes noscitur indulsisse.' *Papsturkunden in England*, ed. Holtzmann, vol. 1, no. 188

<sup>700</sup> 'Illud etiam duximus adiciendum, ne quis episcoporum vel clericorum pro his, que vobis ab apostolica sunt benignitate indulta, servientes vestros interdicere vel in eos excommunicationis audeat sententiam promulgare.' *Papsturkunden in England*, ed. Holtzmann, vol. 1, no. 116

<sup>701</sup> Mahn, *L'Ordre Cistercien*, 121, 138, 148, Pfurtscheller, *Die Privilegierung*, 103-117.

<sup>702</sup> Mahn, *L'Ordre Cistercien*, 153

<sup>703</sup> Pfurtscheller, *Die Privilegierung*, 118

<sup>704</sup> *OPD*, ed. Sayers, no. 279

from excommunication by legates.<sup>705</sup> This probably happened in response to the papal legate to England, Cardinal Gualo. In 1217 he had severely disciplined the English Cistercians, including suspending and excommunicating their abbots. The abbots of Cîteaux, Clairvaux and seven other abbots travelled to Rome to appeal against this. The chronicler of Melrose records they ‘fully obtained their object against the said cardinal.’<sup>706</sup>

Later, Innocent IV ruled that exempt houses should come before ordinary courts in three cases: ‘for any wrong, contract or lawsuit of their done outside their monastery or exempt place.’<sup>707</sup> He maintained that ordinary courts could not impose an interdict or excommunicate them for these infractions.<sup>708</sup>

Despite these privileges throughout the Middle Ages bishops excommunicated Cistercians.<sup>709</sup> In 1284 John Peckham, archbishop of Canterbury, threatened Quarr abbey with major excommunication because they withheld tithes due to Lyre. The threat was

<sup>705</sup> Mahn, *L’Ordre Cistercien*, 157-9. Pfurtscheller, *Die Privilegierung*, 118

<sup>706</sup> Madden, “Business Monks”, 351-2. *The church historians of England*, ed. Stevenson, vol. 4, part 1, 166-71

<sup>707</sup> Clarke, *Interdict*, 122-3. See also K. Pennington, *Pope and Bishops: the papal monarchy in the Twelfth and Thirteenth centuries* (Philadelphia: University of Pennsylvania Press, 1984), 184-6. This fits with the evidence that Cistercian houses did appoint proctors to appear in cases before all ecclesiastical courts. Hailes has them appointed to courts of the archbishop of Canterbury, the bishop of Worcester and archdeacon of Gloucester. C. Harper-Bill, “Cistercian Visitation in the Late Middle Ages: the case of Hailes Abbey,” *BIHR*, 53 (1980), 103

<sup>708</sup> Clarke, *Interdict*, 123

<sup>709</sup> They may have done this using a legal distinction some canonists drew between putting someone under excommunication and denouncing them as such. J. A. Brundage, ‘A twelfth century Oxford disputation concerning the privileges of the Knights Hospitallers’. *Mediaeval Studies*, 24 (1962), 157-8. The council of Vienne, which said bishops must stop excommunicating exempt religious, went on to say that should exempt monasteries break specific regulations they were automatically excommunicated and could only be absolved by the Papacy. Local ordinaries were to announce the sentence publically. The religious were not allowed to make any appeal due to exemption or privilege. *Decrees of the Ecumenical Councils*, ed. Tanner, vol. 1, 387-8. This shows the continuity of thinking from the twelfth century which Brudage points to.



not carried out as an agreement was reached.<sup>710</sup> In 1302 Thomas Corbridge, archbishop of York, notified the Dean of Craven of the absolution of the abbot of Furness. He had been excommunicated 'pro suis contumaciis et offensis ad instanciam officii contractis.'<sup>711</sup> The reason for the granting of absolution was not specified. Writing about the requests for excommunicated higher clergy to be arrested by the secular arm Logan states, 'much more common was the request for the capture of excommunicated abbots, at least 80 during our period... the largest number were clearly Cistercians.'<sup>712</sup> He then gives the example of the abbot of Sawley who was definitely imprisoned in 1306.<sup>713</sup> Their desire to resist Episcopal censure by standing on their rights may have meant they would have been less willing to seek Episcopal absolution by complying with the bishops' demands. In turn this probably led bishops to try to compel them to submit by turning to the authority of the state. The abbot of Sallay was released from prison. This was on the condition that if the sentence was not revoked by papal delegates he agreed to return.<sup>714</sup> In 1276 the bishop of Exeter excommunicated the abbot of Forde and had him signified for capture. The English Cistercian abbots petitioned the king to revoke the capture on grounds that the sentence was against the privileges of the Order. The king convinced the parties to agree to ecclesiastical arbiters. When they found in favour of the bishop the abbot submitted.<sup>715</sup> In 1272 the abbot of Holm Cultram was excommunicated by the bishop of Carlisle. The sentence was revoked by a writ of prohibition.<sup>716</sup> The

<sup>710</sup> Hockey, *Quarr Abbey and its Lands, 1132-1631* (Leicester: Leicester University Press, 1970), 34

<sup>711</sup> *The Register of Thomas of Corbridge*, ed. Brown, vol. 138, 78-9

<sup>712</sup> Logan, *Excommunication*, 62

<sup>713</sup> Logan, *Excommunication*, 62-3.

<sup>714</sup> Prynne, *Chronological vindication*, vol. 3, 1198

<sup>715</sup> *The Registers of Walter Brounscome (A. D. 1257-1280) and Peter Quivil (A. D. 1280-1291), Bishops of Exeter*, ed. F. C. Hingeston-Randolph (London: G. Bell & Sons, 1889), 84-91

<sup>716</sup> *Holm Cultram Records*, ed. Gilbanks, 114

monks of Whalley were excommunicated by their bishop. This sentence was lifted upon appeal to the archbishop in 1295.<sup>717</sup>

The Papacy did intervene in cases where bishops sought to use excommunication despite houses' immunity from such sentences. Clarke cites three instances during the pontificate of Gregory IX.<sup>718</sup> The council of Vienne, in 1311-12 condemned bishops who excommunicated exempt monasteries and ordered them to stop.<sup>719</sup> In 1306 archbishop Greenfield of York excommunicated the abbot of Sallay and a number of monks from that house. He ordered them to be arrested. They appealed to Rome and this led to the arrest being delayed until the papal response arrived. No record of the papal response survives. It was claimed that the appeal had not been properly prosecuted in 1311. The dispute was finally settled by the mediation of the cardinal priest of St. Prisca. Then the following year, 1314, the bishop absolved the abbot from excommunication.<sup>720</sup> The appeal to the Papacy did not appear to result in the sentence being lifted. The crown recognised the appeal and it did keep the abbot out of custody, as well as delaying the proceedings by a number of years.

Around 1328 the official of the archdeacon of Chester summoned a monk of Whalley before him to answer about alleged offences committed outside the abbey's exempt jurisdiction. When he did not appear the official published a sentence of excommunication. The monk's abbot appealed to conservator of the privileges of the

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<sup>717</sup> J. Wallis, *A History of the Church in Blackburnshire* (London: S.P.C.K., 1932), 122

<sup>718</sup> Clarke, *Interdict*, 124

<sup>719</sup> *Decrees of the Ecumenical Councils*, ed. Tanner, vol. 1, 385-7.

<sup>720</sup> *Sallay Cartulary*, ed. McNulty, vol. 1, 46-7

Cistercian Order, the abbot of Westminster. He revoked the sentence on account of their privileges. The situation arose because the official had mistakenly interpreted Innocent IV's decree *Volentes*, which Benedict XII would clarify. Following this a love-day was held between the official and the monk by the Cistercian abbots of Dore and Vale Royal.<sup>721</sup> This case saw a successful appeal to the privileges of the Order. This fight was against an arch-deacon's official and not an archbishop.

The Order's excommunication privilege was sometimes ignored. On the other hand it was often appealed to and could be successfully defended. Since excommunication was the principal instrument of ecclesiastical power and practically the only real sanction in canon law, this aspect of Cistercian exemption is far from trivial.

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<sup>721</sup> The Ledger-Book of Vale Royal, ed. Brownbill, 183-5

### Part 3: The increasing involvement in ordinary people's lives

The privileges which granted protection from excommunication and interdict to the household, servants, benefactors, those who ground in Cistercian mills and cooked in their ovens both brought the Cistercians into increased contact with the laity and represented the growth in involvement that had already taken place. Cistercian houses were initially set up to keep monks away from the laity. Over time this isolation faced forces which tended to erode it. The laity began to live on monastic lands. A lay presence is visible from the early twelfth century. Hired workers supplemented the *conversi* labour force. This is evident even in the *Exordium Parvum* which was written shortly after 1134. These employees worked in the fields and later in domestic roles. Provisions for their diet, their reception of last rites and burial demonstrate some were resident either within the walls of the monastery or on granges.<sup>722</sup> From the end of the twelfth century people began to live 'without the walls.' The reasons varied but would have included employment, trade, security and perceived spiritual benefits. As the number of *conversi* declined they were replaced by an increasing number of lay tenants. Many lived not far from the gate-house.<sup>723</sup> The book of the abbot of Combermere records the leases of tenants on Combermere's estates from the thirteenth century until the dissolution.<sup>724</sup> By the end of the period Furness maintained a grammar school which was attended by the

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<sup>722</sup> D. H. Williams, *The Cistercians in the Early Middle Ages* (Leominster: Gracewing, 1998), 123, also Williams, "Layfolk within Cistercian precincts," 107-110

<sup>723</sup> Williams, *The Cistercians in the Early Middle Ages*, 136-7

<sup>724</sup> *The Book of the Abbot of Combermere*, ed. Hall

children of tenants.<sup>725</sup> Proximity to a Cistercian house might mean being a significant distance from a parish church.

The spiritual involvement that Cistercians had centred on the monastic family. This came to include all who belonged to their lands, including service personnel. The privileges that the Cistercians received generally did not grant them rights to go beyond their family to the world at large. The Order sought to ensure that its abbots did not exceed their jurisdiction and enforced this through the reprimands and punishments of the general chapter.<sup>726</sup> Those included in the monastic family increased over time, as did the set of people and situations protected by Cistercian privileges. Alexander III had granted some protection in certain situations. This was renewed by Urban III.<sup>727</sup> Innocent IV expanded the protection to include millers, backers, hired hands, families and tradesmen.<sup>728</sup> This removed them from the jurisdiction of the parish and placed them under the monastery. This radical change reflects the influence of the privileges of the friars.<sup>729</sup> The Cistercians gained privileges which allowed them to become involved in the spiritual lives of the laity on their lands. These rights came out of situations where members of the laity living outside the walls of a monastery were away from parish churches and found it difficult to receive the benefits the Church offered.

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<sup>725</sup> D. H. Williams, "Tudor Cistercian Life: Corrodians and residential servants," *Cîteaux*, 34 (1983), 299

<sup>726</sup> Pfurtscheller, *Die Privilegierung*, 129

<sup>727</sup> Pfurtscheller, *Die Privilegierung*, 133

<sup>728</sup> Pfurtscheller, *Die Privilegierung*, 134

<sup>729</sup> Pfurtscheller, *Die Privilegierung*, 142

## Death and Burial

An early example of papal privileges allowing monasteries to provide spiritual services which would not otherwise be available to members of the laity came during the pontificate of Innocent III. He permitted Cistercians to absolve abbey servants at the point of death and to bury them within the monastery. Guests and travellers could be buried there too. One restriction which was put in place was that the dying were not allowed admittance into the Order.<sup>730</sup> Evidence survives to show that this regulation was broken.<sup>731</sup>

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<sup>730</sup> Innocent III: Calendar, ed. Cheney, no. 682, Orange, "Meaux Cartulary", p. 45, University College Oxford, MS 167, f. 34v, BL Harley 3911, f. 145v, Harley 3891, f. 115, Monasticon Anglicanum, ed. Dugdale, vol. 5, 601, Carlisle Record Office, Holm Cultram Cartulary, p246, Kirkstall Coucher Book, ed. Lancaster and Paley Baildon, p29-30

<sup>731</sup> Williams, The Cistercians in the Early Middle Ages, 133

## Sacraments

Pfurtscheller notes Gregory IX gave individual Cistercian monasteries permission to administer the sacraments and to hear the confession of their employees. This was done as the employees had no ready access to a secular priest. This privilege was not to impair the rights of others.<sup>732</sup> Records survive showing that this privilege was granted to Revesby, Furness, Quarr, Holm Cultram<sup>733</sup> and Fountains.<sup>734</sup> The Fountains cartulary records a similar letter being granted to the entire Order.<sup>735</sup> Innocent IV repeated the confession and sacrament rights, again not prejudicing the rights of others. The letters that survive for Innocent IV only come to us as letters to individual houses. They are Meaux, Furness and Newenham.<sup>736</sup> Alexander IV wrote to all Cistercian houses. He

<sup>732</sup> Pfurtscheller, *Die Privilegierung*, 134.

<sup>733</sup> 'Animarum salutem desiderio ferventi quaerentes, vobis auctoritate praesentium indulgemus ut hominum ad vestrum servitium commorantium, qui de facile non possunt suorum habere copiam sacerdotum, liceat sacerdotibus de Conv. Vestro quos tu, fili abbas, ad hoc duxeris deputandos, confessiones audire, poenitentiam salutarem eis iniungere, ac sacramenta ecclesiastica exhibere sine iuris praepjudicio et alieni.' *Furness Coucher*, ed. Atkinson, vol. 1, part 3, p573. Revesby and Quarr, *OPD*, ed. Sayers, nos. 152 and 216 respectively. BL Harley 3911, f. 150v, Harley 3891, f. 117, printed in *Monasticorum Anglicanum*, ed. Dugdale, vol. 5, 602

<sup>734</sup> Ox, Uni Col 167, f. 25

<sup>735</sup> 'Gregorius etc. Dilectis filiis abbati Cist' et universis coabbatibus eiusdem ordinis salutem et apostolicam benedictionem Vestris devotis precibus inclinati audiendi confessiones familiarium vestrorum et iniungendi poenitentias prout videritis expedire ministrandi eis ecclesiastica sacramenta auctoritate presentium vobis vestrisque successoribus liberam concedimus facultatem nulli ergo etc dat Anagnie' Ox, Uni Col 167, f. 25

<sup>736</sup> 'Innocentius episcopus servus servorum dei dilectis filiis abbati et conventui monasterii de Melsa Cisterciensis ordinis Eboracensis dyocesis salutem et apostolicam benedictionem. Animarum salutem desiderio ferventi querentes vobis auctoritate praesentium indulgemus ut hominum ad vestrum servitium commorantium qui non possunt de facili suorum habere copiam sacerdotum liceat sacerdotibus de conventu vestro quos tu fili abbas ad hoc duxeris deputandos confessiones audire poenitentiam salutarem eis iniungere ac sacramenta ecclesiastica exhibere sine iuris praepjudicio alieni. Nulli.... Datum Laterani, idus Ianuarii, pontificatus anno primo.' Orange, "Meaux Cartulary", no. 44. See also *Furness Coucher*, ed. Atkinson, vol. 1, part 3, 607-8 and Oxford Bodl Top Devon d. 5, f. 9v. This is also mentioned in the Meaux chronicle. 'Concessitque idem papa Innocentius 4 privilegia specialia monasterio nostro, ut hominum ad nostrum servitium commorantium, qui non possunt de facili suorum habere copiam sacerdotum, liceret sacerdotibus de conventu nostro, quos abbas duxerit deputandos, confessiones audire, poenitentiam salutarem eis iniungere ac sacramenta ecclesiastica ministrare, sine iuris praepjudicio alieni, et ut nequiremus per litteras apostolicas conveniri quae de ordine Cisterciensi non fecerint mentionem.' *Meaux Chronicle*, ed. Bond, vol. 2, 68-9

stated that when employees were far from parish churches they were allowed to hear the divine office in the Cistercians' churches.<sup>737</sup> Alexander IV wrote to Clairvaux granting that their priest at Rotherham, who was a monk, could act as the executor of wills and hear confession of parishioners, if their own parish priest granted permission.<sup>738</sup>

Throughout all these letters is a desire not to infringe the rights of others. In 1314 the abbot and convent of Kirkstall were called to account before the archdeacon for admitting 'parochianos alienos' to receive sacraments in their chapel.<sup>739</sup> The problem was not that they were laypeople, but that they were laypeople who belonged to other churches. As members of the laity began to live near Cistercian houses which were far from parish churches many of those Cistercians sought to provide for the spiritual wellbeing of those

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<sup>737</sup> 'Alexander episcopus servus servorum dei dilectis filiis abbati Cist' eiusque coabbatibus et conventibus universis Cisterciensis ordinis salutem et apostolicam benedictionem. Devotionis vestre precibus benignum impartientes assensum presentium vobis auctoritate concedimus ut in grangiis et locis vestris que adeo distant ab ecclesiis parochialibus quod ad eas pro audiendis divinis officiis non possitis comode habere recursum liceat vobis dummodo parochiani earundem ecclesiarum non inter sint divina eadem celebrare sive iuris prejudicio alieni nulli ergo etc... datum Anagnie nonas julii pontificatus nostri anno primo.' Oxford Bodl Top Devon d. 5, f. 7, University College Oxford MS 167, f. 42, BL Nero AXII, f. 20

<sup>738</sup> 'Alexander episcopus servus servorum dei dilectis filiis... abbati et conventui monasterii Clarevallensis, Cisterciensis ordinis Langonensis diocesis salutem et apostolicam benedictionem. Religionis vestre favor necnon sincere devotionis affectus quem ad Romanam ecclesiam habere noscimini laudabiliter promerentur ut nos favore benivolo prosequentes petitiones vestras quantum cum deo possumus ad auditionis gratiam admittamus. Sane ex parte vestra fuit propositum coram nobis quod parochiani ecclesie de Raderham Eboracensis diocesis ad monasterium vestrum pleno iure spectantis interdum monachum presbiterum per vos existentem ibidem executorem constituunt sue ultime voluntatis et propter devotionem quam ad ordinem vestrum habent ab eo salutarem penitentiam recipere desiderant de commissis. Nos itaque vestris supplicationibus inclinati ut idem monachus presbiter qui pro tempore fuit in eadem testamentorum ipsorum executionem recipere et illa exequi solus sive cum aliis prout eum a predictis parochianis executorem constitui contigerit necnon confessiones parochianorum ipsorum de licentia proprii sacerdotis audire valeat cum super hoc ab eis fuerit requisitus et iniungere eis pro commissis penitentiam salutarem nisi talia fuerint propter que sit sedes apostolica merito consulenda vobis auctoritate presentium indulgemus. Nulli ergo omnino hominum liceat hanc paginam nostre concessionis infringere vel ei ausu temerario contari. Si quis autem hoc attemptare presumpserit indignationem omnipotentis dei et beatorum Petri et Pauli apostolorum eius se noverit incururum. Dat. Anagnie iiiii Kal. Maii. Pontificatus nostri anno quinto.' Lawrence, C. H. "An English Endowment for the Collège Saint-Bernard," *BIHR*, 36 (1963), 187-8. This is in keeping with canon 21 of the fourth Lateran council. 'If any persons wish, for good reasons, to confess their sins to another priest let them first ask and obtain the permission of their own priest; for otherwise the other priest will not have the power to absolve or to bind them.' *Decrees of the Ecumenical Councils*, ed. Tanner, vol. 1, 258

<sup>739</sup> *The Register of William Greenfield Lord Archbishop of York, 1306-1315*, ed. Brown and Hamilton Thompson, vol. 2, 177



workers.<sup>740</sup> This would not have applied to all Cistercian houses. In 1250 Waverley was granted permission to celebrate the divine office in their oratory in Netham. It was stated that they should never receive the confessions of secular persons, except if they were at the point of death. The laity living on the grange should go to the chapel of Halybourne and hear the office and receive sacraments there.<sup>741</sup> In 1235/6 an agreement was made between the bishop of Lincoln and Thame which allowed them to have a chapel for monks and lay brother on a grange. It was stressed that farm servants must attend mass on Sundays and festivals at the parish church.<sup>742</sup> On the other hand, the Beaulieu account book, which dates from 1269 to 1270, records the offerings which were received for masses as well as confession.<sup>743</sup> A number of manuscripts survive which were either written by Cistercian or kept in their libraries which deal with confession. It is unclear whether these could have been used to hear the confession of the laity on monastic lands, but it is possible.<sup>744</sup>

<sup>740</sup> C. Platt, *The Monastic Grange in Medieval England* (New York: Fordham University Press, 1969), 27

<sup>741</sup> 'Permissione et voluntate domini Willelmi de Raleger, Wintoniensis episcopi, et domini Petri de Ryevallis, rectoris ecclesiae de Aultune, concessum fuit nobis hoc anno divina celebrare in oratorio quod est infra septa grangiae nostrae de Netham, salva in omnibus auctoritate Wyntoniensis episcopi, et eiusdem ecclesiae dignitate, necnon indemnitate matris ecclesiae de Aultune et capellae de Hailburne, hoc modo scilicet quod absque campanarum pulsatione et sacramentum distributione fratribus nostris ibidem celebremus, confessiones saecularium personarum nequaquam ibi recipiemus, nisi in mortis articulo, sed omnis familia illius grantiae more solito capellam de Haliburne pro divinis audiendis et sacramentis ecclesiasticis recipiendis adibit et eidem ut prius subjecta manebit.' *Annales Monastici*, ed. Richards Luard, vol. 2, 342.

<sup>742</sup> *The Thame Cartulary*, ed. H. E. Salter, vol. 1 (Oxford: Oxfordshire Record Society, 25, 1943), 24-5. For a similar agreement in 1254-58 see *Rufford Charters*, ed. Holdsworth, vol. 1, no. 91

<sup>743</sup> *The Account-Book of Beaulieu Abbey*, ed. S. F. Hockey (London: Camden Society, 4<sup>th</sup> series, 16, 1975), 241

<sup>744</sup> See W. A. Pantin, *The English Church in the Fourteenth Century* (Cambridge: Cambridge University Press, 1955), 279, see MS BL, Burney 356: The MS is a compilation of 22 "books". Includes books for religious instruction, see fol. 176 is a treatise on confession. The latter part of this book or section is a series of meditation for the different hours and occupations of the monastic day. This was the work of Thomas of Woburn, a Cistercian monk in the early C13. See Pantin, *The English Church*, 277 and 279. See L. E. Boyle, "A Study of the works attributed to William of Pagula with special reference to the *oculus sacerdotis* and *summa summarum*," (unpublished D. Phil. Thesis, University of Oxford, 1956), vol. 2, 9. A Cistercian manuscript includes a "Speculum confessionis." BL, Royal 3 A X, f. 106-7. C. H. Talbot, "The English Cistercians and the Universities," *Studia Monastica*, 4 (1962), 200, n. 32. Boyle notes that this

## Running local churches

Another privilege which does not appear to have been universal was the right for monks of the Order to act as priests in churches which a Cistercian house had appropriated.

Income from advowson and the appropriation of churches was one form of income which the early Cistercian fathers sought to avoid. English Cistercian houses acquired churches despite central legislation against this.<sup>745</sup> Later some houses gained the right to hold the benefice and have the cure of souls. No papal letter to the entire Order or to the English Cistercians which granted these rights survives. Individual letters to specific houses do survive giving these rights. In fact a large body of evidence shows that Cistercian monks took this role.

There is some evidence to show this happened in the thirteenth century, although there are no papal letters granting the right that early. In 1234 the statutes of the Order demanded that if any monk was in a parish church with the care of souls he was to be recalled immediately.<sup>746</sup> The statutes refer to an exception in 1236. In that case Cistercians possessed churches on an island, which was dangerous to reach by boat. The

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confessional handbook was authored by Stephen, abbot of Stanlaw. Boyle, "A Study of the works attributed to William of Pagula," vol. 2, 8. D. N. Bell lists a large number of works regarding penance and confession in the library of Meaux. They are 'Tractatus alius excerptus de dictis plurimorum de fructu penitentie', 'De penitentia danda' a work attributed to Augustine titled 'de penitencia,' 'anonymous sermons and an anonymous tractatus de penitencia,' 'liber de danda penitencia,' two unidentifiable penitential books and two collections of sermons, a *summa confessorum*, an unidentifiable *summa de institutione confessionis* and a *summa de penitencia*. D. Bell, "The Books of Meaux Abbey," *Analecta Cisterciensia*, 40 (1984), 37, 45, 46, 46, 47, 54, 57, 68, 73. A *summa confessorum* was a manual for confessors.

<sup>745</sup> B.K. Lackner, "Early Cîteaux and the care of souls," in *Noble Piety and Reformed Monasticism*, ed. E. R. Elder (Kalamazoo, Michigan: Cistercian Publications, 1981), 60. *Statuta*, ed. Canivez, 1215:63. L. A. Desmond, "The Appropriation of Churches by the Cistercians in England to 1400," *Analecta Cisterciensis*, 31 (1975), 260

<sup>746</sup> *Statuta*, ed. Canivez, 1234:1

abbot was allowed to appoint three monks to these churches to administer the sacraments to the lay brothers and laity on the island.<sup>747</sup> Moorman notes a few monks, including a Cistercian in 1275, being given benefices with the cure of souls. He argues strongly that this was not a regular occurrence at this time.<sup>748</sup> The earliest instance of Cistercians performing parochial services comes from the beginning of the thirteenth century. From 1220 Merevale sent one of their monks three times a week to hold services at the church of Weston, Leicestershire.<sup>749</sup> While the abbey of Buckland was being built between 1273 and 1280 the monks celebrated mass in the parish church without the permission of the bishop. This led to the bishop placing them under an interdict. The queen intervened resulting in the interdict being lifted and the monks being granted permission to perform all the church offices there.<sup>750</sup> It is unclear whether or not the appeal was based on the privilege permitting exemption from interdict. Evidence survives showing that in the thirteenth century the monks of Dieulacres, Kirkstall and Flaxley served in churches which they possessed.<sup>751</sup> This demonstrates that statutes show what the general chapter desired. They were not always enforced on the ground.

In the fourteenth and fifteenth centuries papal letters do survive which grant monasteries permission to allow their monks to hold a benefice with the cure of souls. Whalley was granted this right. In 1330 the abbey convinced the bishop to reduce the vicar of

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<sup>747</sup> *Statuta*, ed. Canivez, 1236:3

<sup>748</sup> Moorman, *Church life*, 49

<sup>749</sup> Desmond, "The Appropriation of Churches," 251

<sup>750</sup> Bere, *Buckland Monachorum*, 14-5

<sup>751</sup> *Cheddleton, North Staffordshire: A Village History*, ed. R. Milner (Cheddleton: Cheddleton Historical and Archaeological Society, 1983), 33. *A History of the County of Gloucester*, ed. N. M. Herbert, vol. 5 (Oxford: Oxford University Press, 1996), 147. Archbishop Henry Murdac allowed Kirkstall to present a monk to be parish priest. This document may be spurious. *English Episcopal Acta*, ed. J. E. Burton, vol. 5, no. 121

Whalley's portion. The bishop then allowed them to present three of their own monks in succession to the vicarage. This was allowed in response to the claim that the residence of secular clergy within the monastic precincts led to disturbances. Finally in 1358 the abbey acquired a licence from Pope Innocent VI to permit monks to be appointed vicar.<sup>752</sup> Vicars continued to be taken from the monastery until the dissolution.<sup>753</sup> A papal letter of 1391 to Holm Cultram refers to monks of that abbey having served a particular church. The letter makes provision for this to continue.<sup>754</sup> Papal letters survive granting this right for Pipewell in 1397, Woburn in 1399, Beaulieu in 1415, Fountains in 1415 and Combe in 1448.<sup>755</sup> The bishop of London granted St Mary Graces this right for the church of All Hallows, Staining, in 1368, although no papal letter survives.<sup>756</sup> Other examples could be added where a papal letter does not survive.<sup>757</sup>

Various reasons were given for permitting this practice. One ground cited in secondary literature was the Black Death in 1348. It was from that date onwards that the monks of Dunkeswell served at the church of Sheldon. That practice continued to the dissolution.<sup>758</sup> Another reason was poverty. This was the reason cited when monks of Croxden were

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<sup>752</sup> Calendar of entries in the papal registers, ed. Bliss and Johnson, vol. 3, 595

<sup>753</sup> Wallis, A History of the Church in Blackburnshire, 98

<sup>754</sup> Calendar of entries in the papal registers, ed. Bliss, vol. 1, 576

<sup>755</sup> Calendar of entries in the papal registers, ed. Bliss and Twemlow, vol. 5, 77, 200, Calendar of entries in the papal registers, ed. Twemlow, vol. 6, 467, 467, Calendar of entries in the papal registers, ed. Twemlow, vol. 10, 30

<sup>756</sup> Registrum Simonis de Sudbury (1362-1375), ed. R.C. Flower, vol. 1 (London : Oxford University Press for Canterbury and York Soc, 34, 1927), 83

<sup>757</sup> F. Brighton, The Tales of Ipstones (Dudley, 1937), 75. F. A. Latham, Acton: The History of a Cheshire Parish and its Seventeen Townships (Nantwich: Acton Local History Group, 1995), 18-9. R. Sharpe France, "A Fifteenth Century Altcar Inventory," Transactions of the Historic Society of Lancashire and Cheshire, 95 (1943), 126. J. F. Hunt and L. Dickins, History of Radway (Long Compton: The King-Stone Press, 1937), 8. The Victoria History of the County of Lancaster, ed. W. Farrer and J. Brownbill, vol. 7 (London: Constable, 1966), 145, 147. A History of the County of Chester, ed. B. E. Harris, vol. 3 (London: Oxford University Press, 1980), 161

<sup>758</sup> J. A. Sparks, In the Shadow of the Blackdowns: Life at the Cistercian Abbey of Dunkeswell and on its Manors and Estates, 1201-1539 (Bradford-on-Avon: Moonraker Press, 1978), 92

permitted by the crown to be vicars of the church of Alton in 1405.<sup>759</sup> Inaccessibility of an island was given as the reason for this being permitted by the pope for a church owned by Holm Cultram in 1411.<sup>760</sup>

In the fifteenth century Whalley occasionally appointed their monks as the vicars in the churches of Blackburn and Rochdale.<sup>761</sup> Whalley received a papal letter allowing them to place their monks in the church of Blackburn in 1459. Why the delay of a hundred years between the privilege to appoint monks as vicars at the church of Whalley and Blackburn, respectively? It was relatively easy to argue, as they did, in the case of Whalley, that the appointment of secular priests would disrupt the 'peace'; that argument could not be alleged in respect of the more distant Blackburn. When they came to request that privilege they stressed undue interference by the magnates. It has not been possible to establish the accuracy of this assertion, but it was enough to secure the privilege.<sup>762</sup>

That Cistercian monks could have the cure of souls and permission to administer sacraments to the laity when this did not infringe the rights of others would explain the presence of works designed with the laity in mind either written by Cistercians or kept in their libraries. An unknown Sallay monk translated Grosseteste's 'Chasteau d'Amour' into English. The work was written to instruct ordinary people in the rudiments of the

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<sup>759</sup> A History of Alton and Farley, ed. R. Speake (Keele: University of Keele, 1996), 136. F. A. Hibbert, Croxden Abbey: Its buildings and History (Colchester: Spottiswoode & Co., 1912), 63

<sup>760</sup> Register Holm Cultram, ed. Grainger and Collingwood, 148-9

<sup>761</sup> The Victoria History of Lancaster, ed. Farrer and Brownbill, vol. 2, 135

<sup>762</sup> Wallis, A History of the Church in Blackburnshire, 104. Whitaker lists the names of the vicars in the churches possessed by Whalley, noting when they were monks from that house. Whitaker, An History of the Original Parish of Whalley, vol. 1, 87, 211-2, vol. 2, 312, 416, 417

Faith.<sup>763</sup> A fourteenth century sermon collection at Fountains was described as being ‘eminently suited to pastoral use.’<sup>764</sup> Given the evidence above it would seem that this was written not just for the conversi but for the laity generally. Wenzel has found evidence in monastic ritual for monks delivering sermons to the laity.<sup>765</sup> He comments ‘sermons in monastic collections for other than such official occasions often leave it unclear who the intended audience was, although sometimes address forms and internal references indicate whether they were to a lay, or a clerical, or a monastic audience. Those addressing a lay audience are very much like general parish sermons.’<sup>766</sup>

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<sup>763</sup> Chasteau d’Amour, ed. M. Cooke (London: Caxton Society, 1852)

<sup>764</sup> A. J. Fletcher, “Preaching to the converted : sermons from Fountains Abbey, Yorkshire” in A. J. Fletcher, *Preaching, politics and poetry in late-medieval England* (Dublin: Four Courts, 1998), 25.

<sup>765</sup> S. Wenzel, *Latin Sermon Collections from Later Medieval England* (Cambridge: Cambridge University Press, 2005), 283

<sup>766</sup> Wenzel, *Latin Sermon Collections*, 286

## Baptism, Probate, Sacraments and Church courts

In 1257 Alexander IV issued a papal letter to the Cistercian Order granting extensive jurisdictional rights over the laity on their lands.<sup>767</sup> The privilege is mentioned in the chronicle of Meaux.<sup>768</sup> It was re-confirmed in 1398 and 1402.<sup>769</sup> These rights were the culmination of the developments that had been taking place. They represent the freeing of the monks and their tenants from the jurisdiction of the ordinary. This led to those lay men coming under the spiritual oversight of the monks. Here the leaseholders and tenants on the lands of the house were freed from the jurisdiction of any ordinary ecclesiastical judge, with those jurisdictional rights being transferred to the monastery. The abbey was allowed to exercise corrective justice over those individuals, with adultery and fornication being specifically mentioned. Those same tenants and leaseholders could hear divine services in the abbey chapel and receive the sacraments. The tenants and leaseholders could have their children baptised at the monastery and when the tenants and leaseholder died the abbey was permitted to hold probate of their wills. The qualification was on your lands and there is no mention of saving the rights of others. The development for receiving sacraments is interesting. This may explain why the only

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<sup>767</sup> 'Insuper vobis et ordini vestro concedimus quod firmarii seu tenentes vestri in terris vestris situati a iurisdictione cuiuscumque iudicis ordinarii ecclesiastici sint quieti. Et liceat vobis de cetero in capitulo vestro in adulteriis et aliis fornicationibus coram vobis seu commissariis vestris corrigere, ac etiam divina audire in capellis vestris et ecclesiastica sacramenta recipere, tam infra quam extra monasteriorum vestrorum septa situatis. Et nichilominus, cum dicti tenentes seu firmarii obierint, liceat vobis testamenta sua in capitulo vestro coram vobis vestrisve commissariis probare et etiam pueros eorumdem in dictis capellis baptizare. Sane siquis Archiepiscopus... Datum Viterb. Id. Novembr. pontificatus nostri anno tertio.' Oxford, University College MS 167, f. 32. Registrum Thome Spofford, episcopi Herefordensis, A. D. 1422-1448, ed. A. T. Bannister (London: Canterbury and York Society, 23, 1919), 187-8 and Norwich, Norfolk Record Office, Hare of Stow Bardolph MS 1, 232 x, f. 4v.

<sup>768</sup> Meaux Chronicle, ed. Bond, vol. 2, 121-122. This privilege is also mentioned in the Register of Meaux, Cot Vit C VI, f. 92v-93.

<sup>769</sup> Calendar of entries in the papal registers, ed. Bliss and Twemlow, vol. 5, 164, 516

references to the restriction of Cistercian rights to give the sacraments come from before this date. The exception in 1314 citing 'parochianos alienos' may imply that the abbey's tenants and leaseholders were receiving sacraments without opposition.<sup>770</sup> This privilege may explain where the impetus to allow Cistercians to be the priests in the churches appropriated to their houses came from. The following chapter will investigate rights regarding adultery and fornication. Archdeacons usually dealt with probate. It was granted to cathedral chapters and exempt houses.<sup>771</sup> Probate acta are rare.<sup>772</sup> Wills are included in the cartularies of Rufford and Sallay. They appear there only because those wills gave land or money to the monasteries.<sup>773</sup> The act book of Whalley does deal with probate cases.

There is some evidence for baptism. The Order was initially opposed to abbots baptising infants. The only instance where this practice was countenanced was when the death of an un-baptised baby was imminent and no parish priest was available.<sup>774</sup> In 1185 the statutes laid down the punishments which should follow the unlawful baptism of infants.<sup>775</sup> Three cases are recorded as being dealt with from 1190 to 1228.<sup>776</sup> After this point there is no mention of baptism again in the statutes of the general chapter. The privilege seems to demonstrate a clear change in policy. Cistercians can be seen baptising infants in the fourteenth and fifteenth century. A case refers to the abbot of Croxden

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<sup>770</sup> The Register of William Greenfield Lord Archbishop of York, 1306-1315, ed. Brown and Hamilton Thompson, vol. 2, 177

<sup>771</sup> M. M. Sheehan, The will in medieval England (Toronto: Pontifical institute of Medieval studies, 1963), 199

<sup>772</sup> Sheehan, The will, 198

<sup>773</sup> Rufford Charters, ed. Holdsworth, nos. 13, 43, 50, 249, 305, 375, 377, 950. Sallay Cartulary, ed. McNulty, vol. 2, p190

<sup>774</sup> Statuta, ed. Canivez, 1134:19, 1157:7

<sup>775</sup> Statuta, ed. Canivez, 1185 :8

<sup>776</sup> Statuta, ed. Canivez, 1190:74, 1192:30, 1227:51, 1228:35



baptising the daughter of a magnate in 1320.<sup>777</sup> The abbot of Fountains is recorded baptising children twice in the memorandum book of the abbey, once in 1453-4 and once the following year.<sup>778</sup> The Garendon cartulary notes that Cistercians gained the privilege to baptise the children of the monastic family.<sup>779</sup> A fifteenth century Cistercian manuscript has a section which refers to baptism in the title. It refers to the council of Vienne, which prohibited religious from giving sacraments to lay people without the special permission of the parish priest, unless they had privileges allowing this. The section mentioned that Cistercians could minister to their family in line with their privileges. The rights of parish priests were not to be infringed. Within this the privileges of the Order allowed the administration of the sacraments to the laity.<sup>780</sup>

<sup>777</sup> *A History of Alton and Farley*, ed. Speake, 52

<sup>778</sup> 'In expensis domini Abbatis versus harelsay in baptizando filio domini Jacobi strangeways vidz in donis filio Tyrqwyte docenti et informanti viam nobis per Siluam, etc. lid.' *Memorials of Fountains*, ed. Walbran, vol. 3, 102. 'In expensis apud Rypon cum Abbate pro filio Rogeri Ward Baptizato, iiiid.' *Memorials of Fountains*, ed. Walbran, vol. 3, 110

<sup>779</sup> BL Lansdowne 415, f. 22

<sup>780</sup> '**De ambitionis et cetera de baptismo et cetera de Servientibus ecclesiis secularibus.** Nulli de ordine nostro liceat clericis aut secularibus personis absque parochialis presbiteri licentia speciali sacramenta ecclesiastica ministrare seu eciam matrimonia celebrare sub excommunicationis pena lati canonis cuius absolutio est sedi dumtaxat apostolice reservata prout in constitutione felcis recordationis domini Clementis pape V<sup>ti</sup> in concilio veonum [sic] edita plenius continetur. Non tamen per hoc excludimur quin familiaribus aut pauperibus in hospitalibus ordinis nostri degentibus sacramenta possimus ecclesiastica ministrare; monachi religionis ytalie de prioratus ylebamas et capellas spectantes iure patronatus ad monasteria ordinis de voluntate ac decreto ipsorum promoti nisi in omnibus licitis ut officiales ceteri abbatibus suis obedierint nullam vocem in capitulo aut alibi habeant nec de agendis aliquialiter se intromittant nec moram in monasteriis presumant facere nec eis provideatur de communi nisi prout transeuntibus hospitibus consuevit communiter ministrari iuxta tenorem privilegiorum ordini super hoc a sede apostolica indultorum.' Laud Misc. 362, f. 21-21v. The council of Vienne (1312) states 'religious who presume to adminster the sacrament of extreme unction or the eucharist to clerics or lay people or to solemnise marriages, without the special leave of the parish priest, or to absolve those excommunicated by canon law, except in cases expressed in law or granted to them by privilege of the apostolic see, or those excommunicated by sentences promulgated by provincial or synodal statutes, or (to use their own words) to absolve anyone from punishment and guilt, incur automatic excommunication. They are to be absolved only by the apostolic see. The local ordinaries are to announce publically that they are excommunicated, once this is established, until notified of their absolution. The religious can make no valid appeal in this matter to any exemption or privilege.... Of course the religious who have been granted permission by the apostolic see to administer the sacraments to members of their household or to the poor in their hospices are not affected by this decree.' *Decrees of the Ecumenical Councils*, ed. Tanner, vol. 1, 387-8

A provincial chapter of the Cistercian Order, meeting in Combe abbey on 23 March 1407, legislated against the practice.<sup>781</sup> It is clear that members of the Order baptised children. Other members opposed the practice. Not all Cistercian houses would have been drawn into significant interaction with the laity. Small houses, with limited lands, would probably have had neither the resources nor a significant number of peoples needing these services. Where lay communities developed around the larger houses, and particularly when these houses were distant from parish churches, those houses would have been drawn into the cure of souls. As members of the laity were excluded from the jurisdiction of the ordinary this privilege drew those lay people under the spiritual supervision of individual houses. It seems unlikely that every Cistercian house would have sought to exercise this right. Some certainly did. Others would have avoided involvement on principle.

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<sup>781</sup> 'Item cum distinctione 4a capitulo [blank] in Antiquis provide sit statutum quod nullus monachus vel conversus ordinis nostri debeat infantem baptizare vel de sacro fonte suscipere, nisi pro gravi dampno seu scandalo et hoc cum presbiter defuerit pro periculo evitando, abbatis tamen proprii prius petita licentia et optenta, ultra penam in dicta diffinitione limitatam idem Capitulum ordinat, statuit et diffinit quod contrarium facientes sint inhabiles ad quecumque beneficia, dignitates, gradus sive officia in eodem ordine imposterum optinenda nisi super hoc dispensationem habeant a capitulo generali.' Furness Couchet, ed. Brownbill, vol. 2, 699-701

## Conclusion

The Cistercian Order developed and changed over time. Structures of governance evolved. The role and functions of the general chapter expanded. This was especially true where discipline was concerned.

Papal privileges recognised and supported these developments. This had a direct impact upon how bishops related to Cistercian monasteries. Bishops did not stop interacting with them. Oaths of obedience continued to be sworn. Bishops ordained individuals put forward by Cistercians.

A different structure was put in place which dealt with discipline. This is not to say that the new disciplinary structures introduced by statutes of the Order, papal privileges or even the decrees of ecumenical councils were always kept. Cistercians were excommunicated and did sometimes attend synods despite privileges to the contrary. The English Cistercians did resist moves to encroach upon their privileges. They were not always successful. Often compromises were worked out on the ground. While conflict is evident, dialogue also took place. That privileges were not always adhered to should not suggest they were not generally kept by the parties concerned.

One of the practical outcomes of their privileges was that English Cistercians increasingly became involved in the religious lives of the laity. The continual evolution of the Order, its privileges, its economic methods and structures, all worked to bring

about this development. This role related to those who lived on monastic lands. Not all Cistercians were in favour of this departure from the primitive ideals of the Order. Caveats were put in place to protect the interests of parish clergy. Not all houses would have taken up this role. It is clear that many did. They administered sacraments, baptised children, heard confession and ran lower ecclesiastical courts. Some became the priests in churches owned by their houses.

This section of the thesis has provided a great deal of evidence regarding the exercising of Cistercian privileges. These chapters have shown that privileges were often effective. They have demonstrated that resistance was faced. What is clear is that English Cistercians generally battled vigorously and continually to enforce their privileges. The first part of the thesis provided evidence that every English Cistercian house was aware of their privileges, this part that often they fought to implement them. Another theme that is clear throughout this section is that awareness did not equate to implementation. A house could have a right and not seek to use it, whether regarding the eating of meat or the baptising of babies. Practices changed over time. There was variation from centre to locality. There was divergence between Cistercian houses within England. Specific local factors played the crucial role.

## **Part 3: Whalley Abbey**

### **Chapter 5: The Court at Whalley**

#### **Introduction**

In the previous chapter we saw that Cistercian privileges drew them into direct contact with the laity and gave Cistercian houses an intimate involvement in lay religion. In this section Whalley abbey in Lancashire shall be specifically investigated. Whalley allows us to see how these privileges could be further developed along the same lines so that the monastery could have an even greater role in the religious lives of ordinary people. This section will look specifically at the role the monastery played in running a lower ecclesiastical court.

This chapter will look briefly at Whalley abbey itself. It will investigate how the abbey gained the right to run its lower ecclesiastical court. Then it will examine the extensive rights over local ecclesiastical jurisdiction that Whalley obtained. The historical context about monasteries running peculiar courts will be discussed to help consider how widespread these rights were amongst other English Cistercian houses and also so that more information can be gained in regard to the detail of what the court looked like, what it dealt with and how it was run. Finally the nature of the Act Book of Whalley as a historical source will be considered. In the second and third part of this section adultery, fornication and marriage cases will be investigated. Some quantitative work will be done but the main focus will be on specific cases. Thus the chapter will demonstrate the type

of material that the court of Whalley abbey would have come into contact with as a result of the above papal letter.

## Whalley Abbey

It seems appropriate to look at Whalley itself before considering other monastic courts, the nature of the court and its proceedings. The monastery began life as the abbey of Stanlaw, which was founded on a very inhospitable site, even for Cistercians, in the mud-flats, at the confluence of the Gowy with the Mersey, which was then in the parish of Eastham. The founder's charter is dated 1178, but several chronicles ascribe the foundation to 1172, which may date the beginnings of the efforts to found a house there. The monks were probably from Combermere Abbey, with which the abbey was afterwards considered affiliated.<sup>782</sup> The house was granted the advowsons of Whalley and after 1279 it moved in order to secure the use of all the tithes of this extensive parish. The foundation stone of the new monastery was laid on 12 June 1296.<sup>783</sup> Then in 1301 they appropriated the vicarage of Whalley to their own uses.<sup>784</sup> Mullet compared Whalley to a bishopric because of the size of its lands and the number of people under its jurisdiction.<sup>785</sup> The ancient parish of Whalley had an area of 106, 395 acres, of which a small part lay in Yorkshire. In Lancashire there were three considerable forest districts, Pendle, Trawden and Rossendale, all belonging to the honour of Clitheroe.<sup>786</sup> By the Reformation the parish had 10,000 inhabitants, Whalley had jurisdiction and pastoral responsibility for thirty separate townships,<sup>787</sup> and the abbey had only twenty monks.<sup>788</sup>

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<sup>782</sup> *The Victoria History of Lancaster*, ed. Farrer and Brownbill, vol. 2, 131

<sup>783</sup> *The Victoria History of Lancaster*, ed. Farrer and Brownbill, vol. 2, 133

<sup>784</sup> *The Victoria History of Lancaster*, ed. Farrer and Brownbill, vol. 2, 134

<sup>785</sup> M. Mullet, "The Reformation in the Parish of Whalley," in *The Lancashire Witches: Histories and Stories*, ed. R. Poole (Manchester: Manchester University Press, 2002), 89. Swanson also talks of 'dioceses in miniature.' R. N. Swanson, "Peculiar Practices: The Jurisdictional Jigsaw of the Pre-Reformation Church," *Midland History*, 26 (2001), 73

<sup>786</sup> *The Victoria History of Lancaster*, ed. Farrer and Brownbill, vol. 6, 349

<sup>787</sup> Mullet, "The Reformation in Whalley," 88

As we saw in the previous chapter on 13 November 1257 Alexander IV issued a papal letter to the Cistercian Order granting extensive jurisdictional rights. Here the leaseholders and tenants on the lands of the house were freed from the jurisdiction of any ordinary ecclesiastical judge, with those jurisdictional rights being transferred to the monastery. The abbey was allowed to exercise corrective justice over those individuals, with adultery and fornication being specifically mentioned. Those same tenants and leaseholders could hear divine services in the abbey chapel and receive the sacraments there. The tenants and leaseholders could have their children baptised at the monastery and when the tenants and leaseholder died the abbey was permitted to hold probate of their wills.

It is the central argument of this chapter that this right gave the Cistercians at Whalley experience as ecclesiastical judges, albeit in a limited number of cases, which meant that when they acquired the ecclesiastical jurisdiction of Whalley they were able to take over the maintenance of the court.<sup>789</sup> The above letter played a crucial role in this development. The survival of the Act Book of Whalley is down to good luck. How widespread these types of court were amongst Cistercian houses is thus hard to ascertain. By looking at the survival of the records of lower ecclesiastical courts and other monastic courts an attempt will be made to comment upon this.

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<sup>788</sup> Mullet, "The Reformation in Whalley," 92

<sup>789</sup> J. E. Sayers, "Monastic Archdeacons" in *Church and Government in the Middle Ages. Essays presented to C.R. Cheney on his 70<sup>th</sup> birthday*, ed. C.N.L. Brooke, D.E. Luscombe, G.H. Martin and D.M. Owen (Cambridge: Cambridge University Press, 1976), 192



## Sparsity of record survival

The questions that arise are: did other Cistercian monasteries exercise similar jurisdiction? Did they hold peculiar courts, hearing cases of fornication amongst others? Even if they held a copy of the privilege what impact did it have in reality? Because of the tiny survival rate of records for monastic lower ecclesiastical courts<sup>790</sup> and because Whalley's is the only Cistercian court book to have survived it is very difficult to make any generalisation. The Whalley Act Book is precious precisely because so few documents of this kind have survived. Cistercian records of this sort would have been particularly vulnerable at the dissolution because the institution which had preserved them had gone and no one else had an interest in preserving them: they were more or less without implications for economic rights of those who took over Cistercian lands after the dissolution.<sup>791</sup>

The records of peculiar courts are rare because they operated at a low social level, were run cheaply and pragmatically, and did not deal with substantial amounts of money.<sup>792</sup> Further monastic lower ecclesiastical court records are particularly rare and we are reliant upon chance glimpses even to know about the existence of these courts, never mind the detail of the material they dealt with. In the context of the extreme rarity of monastic

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<sup>790</sup> Sayers, "Monastic Archdeacons," 188

<sup>791</sup> Lower Ecclesiastical Jurisdiction in Late-Medieval England: The Courts of the Dean and Chapter of Lincoln, 1336-1349, and the Deanery of Wisbech, 1458-1484, ed. L.R. Poos (Oxford: Oxford University Press, Records of Social and Economic History, New Series 32, OUP, 2001), xiv. See The Records of the Medieval Ecclesiastical Courts. I: The Continent, ed. C. Donahue (Comparative Studies in Continental and Anglo American Legal History, 6, Berlin, 1989). C. Donahue, "The Monastic Judge: Social Practice, Formal Rule, and the Medieval Canon Law of Incest," in De iure canonico medii aevi: Festschrift für Rudolf Weigand, ed. P. Landau with M. Petzolt (Rome: Studia Gratiana, 27, 1996), 54-5

<sup>792</sup> J. Scammell, "The Rural Chapter in England from the Eleventh to the Fourteenth Century," EHR, 86 (1971), 1

lower ecclesiastical court records the survival of the Whalley Act Book is a remarkable piece of luck.<sup>793</sup> We simply do not have these records for other Cistercian courts. This court record provides the best evidence for the sort of jurisdictional rights that could be exercised by Cistercian houses. The case of Whalley must be viewed in the context of the tiny survival of these kinds of records. It is for this reason that this early sixteenth century court is being investigated. The great majority of cases that the court dealt with on a day to day basis were the sort of jurisdictional issues that were granted in the above papal privilege, but the court in Whalley also dealt with marriage cases which were not mentioned in the papal letter of Alexander IV. It must be underlined that the records of the survival of these courts in no way represent the number of those courts or what they dealt with.<sup>794</sup> It is certainly not beyond the realm of possibility to suggest that other Cistercian houses had similar rights, but it would be impossible to guess how many.

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<sup>793</sup> Swanson, "Peculiar Practices", 79

<sup>794</sup> Scammell, "The Rural Chapter", 1

## Monks with similar jurisdiction

Monastic institutions ran lower ecclesiastical courts from the eleventh century and this continued throughout the Middle Ages. There is no evidence from before this time but in the eleventh century St Denis had archidiaconal rights.<sup>795</sup> As the twelfth century progressed many other monasteries acquired similar rights. In 1104 the monastery of Saint-Sauveur-le Vicomte (Manche) was granted a similar freedom.<sup>796</sup> Cluny and many major Benedictine houses gained these jurisdictional powers.<sup>797</sup> These could include rights over local clergy.<sup>798</sup> The courts survived because they freed the monasteries and their territories from external interference, at least to an extent, and because they provided another source of income for the monastery.<sup>799</sup> Monasteries were able to appoint their own monks to these positions.<sup>800</sup> In their role running these courts they were drawn into the imposition of public penance<sup>801</sup> and could even preside over the solemn rite in Lent, this can be seen being done by the abbot of Evesham in around 1300.<sup>802</sup>

Another area which an archidiaconal court could be involved was in that of dealing with marriage cases. We have very little surviving information about the sizeable marriage

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<sup>795</sup> U. Berlière, "Les Archidiaconés ou exemptions privilégiées de monastères," *Revue Bénédictine*, 40 (1928), 116-7

<sup>796</sup> Scammell, "The Rural Chapter," 4n1

<sup>797</sup> Berlière, "Les Archidiaconés", 118. The privilege of Sainte-Geneviève de Paris dates back to Eugenius III. Berlière, "Les Archidiaconés", 117

<sup>798</sup> Berlière, "Les Archidiaconés", 118

<sup>799</sup> Scammell, "The Rural Chapter", 2

<sup>800</sup> Berlière, "Les Archidiaconés", 121

<sup>801</sup> M. C. Mansfield, *The Humiliation of Sinners: Public Penance in Thirteenth Century France* (Ithaca, New York: Cornell University Press, 1995), 112-3

<sup>802</sup> Lateran IV had tried to stop this involvement. Mansfield, *The Humiliation of Sinners*, 102

jurisdiction of the monastic archdeaconry of Bury St. Edmunds.<sup>803</sup> It is unclear when this right was granted. The first reference to this is made in 1189. That letter comments that this right was already being observed.<sup>804</sup>

When the archbishop of Rouen agreed to make the abbot of Mont-Saint-Michel the archdeacon for the Mount in 1061, he reserved to himself certain rights including the administration of the ordeal and the hearing of matrimonial causes.<sup>805</sup> The Benedictine Abbey of Burton claimed rights over marriage cases in the thirteenth century. This only survives in the records because the local bishop objected and appealed to the pope, asking him to appoint judges delegate in regard to this matter.<sup>806</sup> From these three cases it is clear that having rights over marriage cases was not an automatic part of the jurisdictional rights that many monasteries held. It would seem very dangerous to assume that the court held in Whalley represents what all English Cistercian ecclesiastical courts looked like. Without specific papal letters granting the rights to hear marriage cases an evolution to deal with these cases cannot be assumed. The general papal exemption is not enough to explain it, though it is probably not explicable without the general exemption. The privilege granted in 1257 by Alexander IV was a necessary but not sufficient condition of the Whalley situation. This suggests that Whalley was an unusual case.

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<sup>803</sup> Sayers, J. E. "Monastic Archdeacons," 193

<sup>804</sup> Clement III wrote to Abbot Samson on December 13 1189 saying, 'Eapropter, dilecte in domino fili, tue devotionis prudentiam attendentes, ut matrimoniorum causas, que in parrochiis utroque tibi iure subiectis emergerint, audire ac mediante iustitia valeas terminare, sicut est hactenus observatum, liberam tibi de benignitate apostolica concedimus facultatem.' *Papsturkunden in England*, ed. Holtzmann, vol. 3, no. 416

<sup>805</sup> C. H. Haskins, *Norman Institutions* (Cambridge, Harvard University Press, 1925), 34-5

<sup>806</sup> *The great Register of Lichfield Cathedral, known as Magnum Registrum Album*, ed. H.E. Savage (Kendal: Titus Wilson & Son, 1927), 396

## Origins of the Jurisdiction

Whalley possessed a wide spiritual jurisdiction. This encompassed the ecclesiastical jurisdiction for the royal forests of Pendle, Trawden, Rossendale, Bowland and Blackburnshire, which were attached to the Honour of Clitheroe.<sup>807</sup> The Honour of Clitheroe almost completely coincided with the original parish of Whalley. Whitaker states that the ecclesiastical jurisdiction was granted to the dean of Whalley by the bishop of Lichfield due to the remoteness and inaccessible nature of the parish.<sup>808</sup> The dean was the title given to the incumbent of the church of Whalley and is not to be confused with the office of rural dean.<sup>809</sup> The church came to the monks from Henry de Lacy in 1283.<sup>810</sup> Through this Whalley gained all the rights of the Deans of Whalley, with the exception of the right to hunt in the forests, which Henry de Lacy forced them to renounce.<sup>811</sup> The records of the house are totally silent on this ecclesiastical jurisdiction of Whalley until the sixteenth century, when for twenty eight years the records survive.

Swanson does not believe that the peculiar jurisdiction that Whalley exercised was linked to the above papal letter, of which (understandably enough) he does not appear to have been aware. He considers ordinary monastic exemption to have simply freed the abbey from episcopal supervision and visitation and so to have nothing to do with this court.<sup>812</sup>

He sees the monastery gaining the rights to hold the court simply as a result of gaining

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<sup>807</sup> *Monasticon Anglicanum*, ed. Dugdale, vol. 5, 642-4. Whitaker, *An History of the Original Parish of Whalley*, vol. 1, 175-6, 263, 270. *Coucher Book of Whalley*, ed. Hulton, vol. 4, 1173

<sup>808</sup> Whitaker, *An History of the Original Parish of Whalley*, vol. 1, 73

<sup>809</sup> Whitaker, *An History of the Original Parish of Whalley*, vol. 1, 71, 73. Whitaker does not give a date for this.

<sup>810</sup> Whitaker, *An History of the Original Parish of Whalley*, vol. 1, 86

<sup>811</sup> Whitaker, *An History of the Original Parish of Whalley*, vol. 1, 174-5

<sup>812</sup> Whitaker, *An History of the Original Parish of Whalley*, vol. 1, 270

the chapel and the Honour of Clitheroe. The peculiar court originated in the forest lands connected to the chapel of St Michael, within Clitheroe castle. According to Swanson the peculiar may have originated with the extension of its status as a royal free chapel to its dependent territories, including the Honour of Clitheroe.<sup>813</sup> Thus when Whalley gained the chapel in the mid-fourteenth century it appears to have taken over the court.<sup>814</sup>

This diagnosis is probably mistaken: it seems much more likely that the papal grant of exemption lay behind this jurisdiction. The letter of Alexander IV granted rights much wider than simply protection from supervision and visitation by the bishop. Rather than gaining the peculiar jurisdiction on acquisition of the Honour, as Swanson has suggested, it would seem more logical to see Whalley claiming the jurisdiction by virtue of the above papal letter. This would resolve Swanson's unanswered questions. He asked 'Why the jurisdiction was not then dissolved and the chapel reincorporated into the parish, and what the formal jurisdictional status and organisation had previously been are unanswerable questions.'<sup>815</sup>

In view of the above papal letter and assuming that Whalley had a copy of it, the reason for the jurisdiction not being dissolved and returned to the parish becomes clear. If the monastery had operated using the jurisdictional rights given by Pope Alexander IV then the monastery would have had experience dealing with legal cases; it would also have had experience hearing the sort of cases that came before this peculiar court and it would have possessed similar, though not as comprehensive, legal rights over their new lands. If

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<sup>813</sup> Gained in 1322. *Coucher Book of Whalley*, ed. Hulton, vol 1, 331-2. Swanson, "Peculiar Practices," 79

<sup>814</sup> Swanson, "Peculiar Practices," 79

<sup>815</sup> Swanson, "Peculiar Practices," 79

the monastery had this privilege then this would have legitimised the monastery exercising what would normally have been episcopal jurisdiction. This is not to suggest that it was solely the papal letter that led to the monastery having the legal rights to hold the court, it is merely to argue that when this particular jurisdiction was granted the papal letter and the jurisdiction rights that the abbey would have exercised as a result of it would have played a very significant role in the abbey maintaining the right to hold the peculiar court. This would fit much better with Swanson's general thesis that peculiar jurisdictions evolved from a variety of privileges, be it papal, episcopal or royal.<sup>816</sup> This was most probably the case at Whalley.

If Whalley had a copy of the privilege granted by Alexander IV then we could explain why Whalley was able to hold onto the jurisdictional rights it inherited in terms of a wider understanding of how peculiar jurisdictions developed. A similar argument concerning the evolution of jurisdictional rights can be seen at Tyrley in Staffordshire and the petty peculiar court there. 'After the Reformation, Tyrley was one of the minor probate jurisdictions... whence these rights derived is not stated, but there has been speculation. The most plausible case is perhaps that the court continued a jurisdiction exercised within its lands there by the Cistercian abbey of Combermere.'<sup>817</sup> In this context it should be briefly noted that Combermere was the parent house of Whalley. This adds yet further weight to the case that Whalley would have had this privilege.

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<sup>816</sup> Swanson, "Peculiar Practices," 80

<sup>817</sup> Swanson, "Peculiar Practices," 85

## Jurisdiction of the lower ecclesiastical courts

Having considered the origins of the court we can now analyse the cases that the lower ecclesiastical peculiar courts dealt with generally and that were dealt with specifically at Whalley. Jane Sayers argued that the monastic archdeaconries which she investigated were very similar to diocesan archdeaconries. The two main functions of the diocesan archdeaconries, firstly visitation and correction, and secondly certain administrative duties appear to have been carried out by their monastic counterparts.<sup>818</sup> The archdeacon was to visit his jurisdiction annually and enquire about the condition of the local church, both physical<sup>819</sup> and spiritual. Proceedings were ex officio and the court listened to instance cases from parties within the jurisdiction and from parties outside provided that the defendant resided within the jurisdiction. The archdeacon dealt with a wide variety of ecclesiastical cases: marriage, perjury, breach of faith, adultery, cases concerning testaments, probate cases, laying violent hands on clerks, usury, worshipping evil spirits, witchcraft and defamation.<sup>820</sup> Marriage cases marked out the work of some lower ecclesiastical courts from others. The Act Book does not deal with violent hands being laid on clerks, the worshipping of evil spirits or witchcraft. It is not clear whether the court at Whalley lacked jurisdiction over these cases or whether they simply never arose in the twenty years that records survive for Whalley. The court dealt with a case of a

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<sup>818</sup> Sayers, "Monastic Archdeacons", 189

<sup>819</sup> In the Act Book there is a case of a chapel, which has fallen into disrepair. The inhabitants are ordered to repair the damage. *Act Book of the Ecclesiastical Court of Whalley, 1510-1538*, ed. A. M. Cooke (Manchester: Chetham Society, 44, 1901), 114. Similar cases, *Act Book of Whalley*, ed. Cooke, 131, 139

<sup>820</sup> The archdeacon of Sudbury can be seen dealing with a rector of a church not residing at his church (65), persons having contact with an excommunicated person (67), wife beating (67n8) and clerics being accused of fornication (68n5) A. Gransden, "Some late thirteenth century records of an ecclesiastical court in the archdeaconry of Sudbury," *BIHR*, 32 (1959)



woman who had announced her intention to keep a black fast to pray for vengeance<sup>821</sup> and a case of fortune telling.<sup>822</sup>

These archidiaconal visitations were also the time when the local clergy were investigated: records were exhibited, the clergy produced their title deeds, letters of ordination and dispensations.<sup>823</sup> Clergy are seen being prosecuted in the records of the Act Book for libel,<sup>824</sup> for celebrating a clandestine marriage in an un-dedicated chapel,<sup>825</sup> as well as coming before the court to prove their orders.<sup>826</sup> Finally three chaplains were suspended<sup>827</sup> for not appearing before the court.<sup>828</sup> Once the laity or clerics had been examined the archdeacon could punish them by imposing penances, suspensions from office, interdicts and excommunications; as well as being able to absolve those sentenced.<sup>829</sup> This range of disciplinary activity can be seen clearly at Whalley.

Before moving on to look in more detail at the court it is worth considering the economic incentives for the existence of the court. The court charged individuals who were tried. This can be seen in one instance in the Act Book where in a case of marriage within prohibited degrees, brought by public fama,<sup>830</sup> the proceedings were delayed when the

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<sup>821</sup> Act Book of Whalley, ed. Cooke, 67

<sup>822</sup> Act Book of Whalley, ed. Cooke, 22

<sup>823</sup> Sayers, "Monastic Archdeacons," 189-90

<sup>824</sup> Act Book of Whalley, ed. Cooke, 48

<sup>825</sup> Act Book of Whalley, ed. Cooke, 52

<sup>826</sup> Act Book of Whalley, ed. Cooke, 109, 118, 118-9

<sup>827</sup> See below for details of suspension.

<sup>828</sup> Act Book of Whalley, ed. Cooke, 185, 191. In the second instance he is only suspended from celebrating the mass.

<sup>829</sup> Sayers, "Monastic Archdeacons," 189

<sup>830</sup> Publica fama is distinct from gossip. Suspicion must be held by good and substantial persons. Enemies, untrustworthy men and habitual perjurers were ignored. It excludes cases where the suspicion was not public, where it had not risen to the level of openly disseminated rumour. R. H. Helmholz, Canon Law and

couple refused to pay the fees of the Court.<sup>831</sup> The court also dealt with non payment of tithes and probate cases.<sup>832</sup> The enforcing of the payment of tithes has a self-evident financial benefit. Money was received by the court instead of public penance; this occurred rarely and accounted for a very small sum of money. Woodcock has shown that lower ecclesiastical courts were not reliant upon fees paid by those who came before them with the exception of the fees they received for probate of wills. He points to an example where in 1505-6 probate fees amounted to £27. 13s. 4d. while, money received for commutation of penance amounted to 3s 4d.<sup>833</sup> In dealing with probate cases the court was fulfilling another function given to the Cistercians in the privilege of Alexander IV. Scammell noted that archdeacons' courts dealt with disputes over advowsons, tithes, vicarages, pensions and church lands and possessions generally,<sup>834</sup> however cases of this nature are not mentioned in either the monastic archdeaconries Jane Sayers investigated or in the Whalley Act Book. No significant economic benefit resulted from the general business of the court. A small number of cases provided a significant income.

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the Law of England, (London: Hambledon Press, 1987), 132. See also L. R. Poos, "Sex, Lies, and the Church Courts of Pre-Reformation England," Journal of Interdisciplinary History, 25 (1995).

<sup>831</sup> Act Book of Whalley, ed. Cooke, 65

<sup>832</sup> Sayers, "Monastic Archdeacons," 195-7

<sup>833</sup> B. L. Woodcock, Medieval Ecclesiastical Courts in the Diocese of Canterbury (Oxford: Oxford University Press, 1952), 75

<sup>834</sup> Scammell, "The Rural Chapter," 9

## Case Study of Whalley Evidence

The Act Book of Whalley contains a remarkably diverse range of cases and offences. The most common were fornication and violation of a Sabbath or a feast day. Fornication arose one hundred and thirty-seven times; violation of a Sabbath or a feast day, either through non attendance at a service or by working on that day, was recorded eighty times. Both of these were exceedingly common in courts of this kind. For example the records printed by Poos for the Dean and Chapter Court of Lincoln between 1336 to 1349 and the Deanery of Wisbech, from 1458 to 1484, have ninety-nine pages referring to the violation of a Sabbath or a feast day.<sup>835</sup> The Act Book also dealt with economic issues, such as non payment of tithes (ten cases),<sup>836</sup> and the prevention of a person from making a will.<sup>837</sup> When a chapel had fallen into disrepair, the court enjoined the inhabitants to carry out the necessary repairs, and provide for a curate.<sup>838</sup> The court dealt with cases of slander and libel,<sup>839</sup> it dealt with nine cases of gossiping during church services,<sup>840</sup> it prosecuted a notorious swearer<sup>841</sup> and even a fortune teller.<sup>842</sup> The following chapters shall focus mainly on cases regarding sexual conduct, penance and marriage, which took up a

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<sup>835</sup> The Courts of the Dean and Chapter of Lincoln and the Deanery of Wisbech, ed. Poos, 684. It should be noted that this is fourteen cases for the fourteenth century court and eighty-five for the fifteenth century. Dr. M. Jurkowski, in personal conversation, has suggested that this might be related to Lollardy.

<sup>836</sup> Act Book of Whalley, ed. Cooke, 2 (3 cases), 3 (2 cases), 5 (2 cases), 86, 88, 159-60; 51

<sup>837</sup> Act Book of Whalley, ed. Cooke, 1

<sup>838</sup> Act Book of Whalley, ed. Cooke, 114

<sup>839</sup> Act Book of Whalley, ed. Cooke, 6-7; 17-20; 20-1; 48-9, 76 (x2) (same case is on p77 and 78, 79), 84, 92, 102-3 (x2), 105, 125-6, 140, 170; 127; 184

<sup>840</sup> Act Book of Whalley, ed. Cooke, 54, 54, 55, 59 (x2), 60 (x2), 113, 139

<sup>841</sup> Act Book of Whalley, ed. Cooke, 55

<sup>842</sup> 'Uxor Johannis Herryson, ut fama refert, utitur carminacione et sortilegio [dif]fatetur famam et habet terminum ad se purgandam cum sexta manu etc. coram Curato de Padyham die dominico proximo post festum Inuencionis Sancte Crucis proximum, et ad comparendam in proxima Curia ex tunc sequente ad faciendum et recipiendum etc.' Act Book of Whalley, ed. Cooke, 22

considerable proportion of the cases dealt with by the Act Book and which are so far from what one would imagine a Cistercian house to be involved with.

### The general character of the Court

The court of Whalley normally met in the spring of each year, usually in April or May, but occasionally in March, and did so in either the parish church of Whalley or St. Michael's Chapel in the castle of Clitheroe.<sup>843</sup> The clergy and 'discreet' men (*discretos viros*)<sup>844</sup> of the exempt jurisdiction of the five royal forests were summoned to it.<sup>845</sup> As Donahue has pointed out, the courts were different from courts today in that they were not staffed by full time professionals.<sup>846</sup> Before considering the judge and the jurors of the court we shall first investigate those other individuals who worked in the court.

Legal 'professionals' appear in the Act Book from time to time. Advocates were legal experts who could be referred to by the court for advice.<sup>847</sup> An advocate is only mentioned once in the proceedings of the court when the judge of the court takes legal advice concerning an annulment case which centred upon consanguinity.<sup>848</sup> Proctors are mentioned twenty-one times in the Act Book.<sup>849</sup> According to Brundage they were more common than advocates. They 'combined the functions of legal representation and litigation manager, that is they made appearances in place of their clients, spoke on their behalf, saw to it that the client complied with all the formalities of legal process, and were often empowered to negotiate, conclude agreements, and perform numerous other

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<sup>843</sup> *Act Book of Whalley*, ed. Cooke, xx

<sup>844</sup> *Act Book of Whalley*, ed. Cooke, 203

<sup>845</sup> *Act Book of Whalley*, ed. Cooke, xxi

<sup>846</sup> Donahue, "The Monastic Judge", 54

<sup>847</sup> J.A. Brundage, "The bar of Ely consistory court in the fourteenth century: Advocates, proctors and others," *JEH*, 43 (1992), 543-4

<sup>848</sup> *Act Book of Whalley*, ed. Cooke, 155

<sup>849</sup> *Act Book of Whalley*, ed. Cooke, 1, 1, 4, 5, 6, 14 (also referred to here as *attornatum*), 20, 47, 70, 76, 77, 78, 79, 80, 84, 88, 104, 118, 121 (*excusator*) 152, 181 (*excusator*)

functions on their client's behalf. Declarations or undertakings made by a properly appointed proctor were binding upon his client just as if the client had made them himself.<sup>850</sup> Fourteen different individuals appear as proctors in the Act Book. Only three appear more than once, one appears twice, another appears three times and the another appears five times. In a few instances we know something else about them. Two were monks, one was the former judge of the court, Christopher Smith. One was a chaplain and another was referred to as 'squire.'<sup>851</sup> When one considers both the profession of the individuals where it is known and the infrequency with which proctors appear in the record it is abundantly clear that these were not full time legal professionals. Proctors were not generally employed as cases were usually straight-forward.

A notary appeared taking part in the proceedings of the court by producing the legal documents.<sup>852</sup> Only one is referred to in the text. He was Reginald Beesley and is described as: 'sacra auctoritate apostolica notarius publicus.'<sup>853</sup> Brundage also refers to registrars and apparitors. No reference is made to either of these offices in the written record for Whalley. The Whalley court appointed arbiters on eight occasions to resolve various disputes and cases, for example disputed marriage cases, cases of libel and a dispute over the dowry after a marriage was judicially separated.<sup>854</sup> In two of those cases only monks were appointed as arbiters.<sup>855</sup> We have seen that the general pattern for lower ecclesiastical courts whereby small numbers of judicial people were present holds true for

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<sup>850</sup> J.A. Brundage, "The bar of Ely", 548

<sup>851</sup> "Armigero." Act Book of Whalley, ed. Cooke, 10

<sup>852</sup> J.A. Brundage, "The bar of Ely", 554-5

<sup>853</sup> Act Book of Whalley, ed. Cooke, xix

<sup>854</sup> Act Book of Whalley, ed. Cooke, 4, 48, 61, 64, 93, 140, 145, 191

<sup>855</sup> Act Book of Whalley, ed. Cooke, 48-9, 145. In both occasions two monks were appointed.

Whalley.<sup>856</sup> We have seen more monastic involvement, whether acting as arbiters or proctors. The court provided many ways in which the monks of Whalley could get involved in the lives of lay people, helping and empathising with them.

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<sup>856</sup> Scammell, "The Rural Chapter," 13

## Judge

The judge of the lower ecclesiastical court of Whalley was appointed by the monastery and was a delegate of the abbot. The judge or commissary, had a distinctly legal role, examining witnesses and trying cases. By the fourteenth century men of some scholarly quality were generally selected for this sort of position.<sup>857</sup> We know that Lawrence Forest must have had some legal training as before his appointment as judge he was referred to as an attorney;<sup>858</sup> we know nothing of Christopher Smith's legal pedigree. For the greater part of the Act Book the judge was Smith, the prior of Whalley abbey.<sup>859</sup> Forest, who had been Smith's deputy in 1527, then took over as commissary in 1530.<sup>860</sup> He was a monk of the abbey and was proctor of Whalley.<sup>861</sup> This is interesting as peculiar courts or courts of lower ecclesiastical jurisdiction were usually run by archdeacons, rural deans or by their officials.<sup>862</sup> The prior of the abbey took on this role in the court at Whalley, rather than an external official being appointed. Members of the abbey were thus drawn deep into the practical life of the local lay community. Several times the judge asks an individual at court to answer his question bearing in mind their immortal soul and his question is answered. This tells us something of the ability of the judge, as well as his reputation and standing with the people.<sup>863</sup>

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<sup>857</sup> Sayers, "Monastic Archdeacons," 199

<sup>858</sup> The Court Rolls of the Honor of Clitheroe in the County of Lancaster, ed. and trans. W. Farrer, vol. 3 (Edinburgh: Ballantyne Press, 1913), 30, 41 (monk and attorney)

<sup>859</sup> Act Book of Whalley, ed. Cooke, xix

<sup>860</sup> Act Book of Whalley, ed. Cooke, xx

<sup>861</sup> The Court Rolls of the Honor of Clitheroe, ed. Farrer, vol. 3, 408

<sup>862</sup> The Courts of the Dean and Chapter of Lincoln and the Deanery of Wisbech, ed. Poos, xiii

<sup>863</sup> Act Book of Whalley, ed. Cooke, 2-3



## Jurors

Before we conclude considering the ecclesiastical personnel of the court it is worth mentioning that each year local priests, curates or chaplains were called to the court and are noted in the sections of the Act Book which list the jurors. Until 1530 there were never two consecutive years when the same combination appeared. In one year a curate and a priest may appear, in another two chaplains. After 1530 four chaplains were always summoned.<sup>864</sup> These churchmen joined with lay jurors to provide the local knowledge which led to prosecutions. The courts operated by the 'strictly enforced duty of the parish priest to report delinquents and the irksome practice of putting the laity on oath both as witnesses and as it were presenting juries.'<sup>865</sup> Even including these priests, curates and chaplains the number of churchmen was still relatively low. The chapters were made up predominately of lay men in the form of the jurors. As a result of this a great deal of power rested in the hands both of the officers of the court and these jurors. The two groups interacted together to impose their moral standards upon the community.<sup>866</sup> It was the jurors who presented charges against individuals and other business before the court. The Act Book saying: 'qui dicunt quod (etc).' They enunciated common fama 'which was the basis in canon law for initiating *ex officio* procedure, a role that English lay parishioners had been assuming from the thirteenth century.'<sup>867</sup> Poos notes that while the historian would like to know how these jurors went about their tasks the historical record is silent on this matter. He suggests they may have sought actively to detect offenders or

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<sup>864</sup> Once two did not attend. *Act Book of Whalley*, ed. Cooke, 185

<sup>865</sup> Scammell, "The Rural Chapter", 16

<sup>866</sup> M. K. McIntosh, *Controlling Misbehavior in England, 1370-1600* (Cambridge: Cambridge University Press, 1998), 28

<sup>867</sup> *The Courts of the Dean and Chapter of Lincoln and the Deanery of Wisbech*, ed. Poos, lx

perhaps they relied upon aggrieved parties or simply relaying rumour. They may even have worked by a combination of all three.<sup>868</sup>

Who were these jurors? We have no official record of how they were chosen. McIntosh says that 'local studies indicate that they were the heads of established tenant families, either holding a comfortable unit of land as a yeoman or husbandman or working as a crafts- or tradesman.'<sup>869</sup> She points out that social historians have linked jurors with mechanisms of social control, with parish notables oppressing the socially disruptive generally from the lower levels of society. These studies have focussed upon secular rather than ecclesiastical courts.<sup>870</sup> The information that Poos gives for the two courts he investigated shows that over half of the jurors (called inquisitores) in 1337-1338 were from the small number who were wealthy enough to have been taxed, while almost one-third of the Wisbech Deanery churchwardens and inquisitores in the 1460s and 1470s were serving as manorial court jurors at about the same time.<sup>871</sup> This all supports the general model for the social make up of jurors. McSheffrey has stressed the respectability of jurors, even going as far to say that jury service 'helped to define his respectable masculinity.'<sup>872</sup> McSheffrey draws a sharp divide between the respectable jurors and those of insufficient status, including those who were actually cited to appear before the court.<sup>873</sup>

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<sup>868</sup> *The Courts of the Dean and Chapter of Lincoln and the Deanery of Wisbech*, ed. Poos, lx-lxi

<sup>869</sup> McIntosh, *Controlling Misbehavior*, 36

<sup>870</sup> *The Courts of the Dean and Chapter of Lincoln and the Deanery of Wisbech*, ed. Poos, lx-lxi

<sup>871</sup> *The Courts of the Dean and Chapter of Lincoln and the Deanery of Wisbech*, ed. Poos, lxii-lxiii

<sup>872</sup> S. McSheffrey, "Jurors, respectable masculinity, and Christian morality: A comment on Marjorie McIntosh's *Controlling Misbehavior*," *Journal of British Studies*, 37 (1998), 271

<sup>873</sup> McSheffrey, "Jurors," 272

Do the jurors at the Whalley court fit this model? Before considering the data it needs to be said that the statistics have a great weakness: one cannot always know that the same name refers to the same person. It is clear from the records that there are occasions when there are definitely two people with the same name. Any information which provides data for the tax paid by an individual or his criminal record is ultimately not certain. For example Charles Halworth appears as a juror five times in the Act Book of Whalley. The tax records for the local area record Charles Halworth three times in 1539 paying 11s 10d, 12s 6d and 10s 10d.<sup>874</sup> Were there three persons named Charles? Did Charles own three estates? Was it a combination of the two? Is the Charles (or one of them) the juror of the Act Book?<sup>875</sup> This said we shall consider the data for the jurors but we shall proceed with scepticism and caution.

The court relied on jurors, who were the inhabitants of the exempt district of the five forests. The number of jurors called varied throughout the Act Book for each district and varied for each year. Some areas, such as Penhull and Rossendale, regularly called over ten men as jurors, others like Clitherowe or Romsgrrove often called only one man. In total three hundred and eleven named individuals appear as jurors in the Act Book.<sup>876</sup> Of these one hundred and five are from fourteen families where four or more family members served as jurors. Six families are represented by between nine and fourteen

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<sup>874</sup> The Court Rolls of the Honor of Clitheroe, ed. Farrer, vol. 3. 11s 10 d, 413; 12s 6 d, 414; 10s 10 d, 414. It is also worth asking how useful this tax information is. We have no way of knowing what other taxes were being paid. This is simply rent that was paid. What relation this had to personal wealth and status is not by any means easy to ascertain.

<sup>875</sup> The same question can be asked of the Charles in the Act Book. Was there one Charles or more than one?

<sup>876</sup> It should be noted that some of these must have been more than one actually individual as we have noted earlier.

members.<sup>877</sup> Family groups had a very significant role in the selection of jurors. Next we shall consider respectability in moral terms. Of the three hundred and eleven eighty-six committed offences that came before the ecclesiastical court of Whalley.<sup>878</sup> The total number of offences was one hundred and thirty-four. Individuals with the same name acted as jurors after the person of their name was charged in one hundred and three of those cases. In 77% of cases an individual acts as a juror potentially after he was charged with an offence.<sup>879</sup> We cannot make any direct correlation between the two lists. It is possible, however unlikely, that in every instance where an offence was committed by someone with the same name as a juror they were two different people. While this is unlikely so is the opposite statement. These figures take no account of crimes which were prosecuted in manorial or other courts. A cursory glance at manorial records for Clitheroe show that people who were commonly jurors (or who had the same names) appear breaking the rules of that court. This information questions the accuracy of a concept of stark dichotomy between the respectable juror and the others, including the 'offenders.' One has to wonder to what extent 'respectability' as McSheffrey sees it was really a significant factor in deciding who became a juror.

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<sup>877</sup> Averaging over 11 with sixty seven individuals. Those six families represent twenty-two percent.

<sup>878</sup> This is 28% of 311.

<sup>879</sup> I have also looked at the fifty-five individuals who appear more than four times as jurors. It must be stressed that these are individuals who may well have been two people. Certainly some were juniors and seniors, that much is clear from the records of the manorial courts. In those instances it would seem highly likely that both individuals served the ecclesiastical court of Whalley. Of these fifty-five twenty-seven of those names appear accused of crimes in the ecclesiastical court and all reappear as jurors after the offence, with one exception which appears right at the end of the Act Book when no more jurors are recorded. The qualifications that we have mentioned obviously stand as strongly here as anywhere else.

Here is a list of the offences committed by individuals whose names also appear as jurors.

The figure in brackets refers to the number of those individuals who served as jurors after they came before the court.

Lenocinium	3	[2]
Libel	5	[3]
Adultery	17	[14]
Tithe	5	[5]
Breach of faith	3	[1]
Fornication	39	[26]
Contumacy	4	[4]
Working on a feast day/absence from church	36	[29]
Divorce	3	[3]
Breach of contract	2	[2]
Incest	1	[1]
Not cohabiting with wife	7	[4]
Unknown	2	[2]
Keeping a concubine	2	[2]
Cohabiting with another man's wife	1	[1]
Talking during a church service	2	[2]
Marriage within forbidden degrees	2	[2]
<b>Total:</b>	<b>134</b>	<b>[103]</b>

Finally economic factors will be considered. To minimise the possibility of different individuals being treated as one only those individuals who paid rents once in any given

year have been considered. An individual could have more than one property on which he or she paid rent. It is certainly feasible that an individual could own two or more properties and so the details below should skew the evidence in the direction of under-estimating wealth as opposed to over-estimating it. Only jurors whose names appear four times or more are discussed. That accounted for fifty-five, of whom thirteen are not recorded as having paid rents in the court rolls of Clitheroe. It is not impossible that this is because their lands were not taxed in that region but were taxed in another. Of those fifty-five only fifteen are mentioned once per tax year. One cannot make even an educated guess as to whether this tells us more about multiple names or multiple estates.<sup>880</sup> No name appeared more than seven times as a juror. Of those who appeared seven or six times the range they paid in tax was from 7s to 19s.<sup>881</sup> Of those who appear four or five times the range is generally between 11s and 30s,<sup>882</sup> with three exceptions. The three exceptions paid 40s, 53s 4d and £3. It is possible that the jurors in the Act Book do not correlate with the people paying tax in the court rolls of Clitheroe, even in these fifteen instances. While these jurors seem to fit generally within a certain financial range, 7s to 30s, which is quite a dramatic range when one considers the larger end of the scale is four times the size of the smaller, they do not all fit within this and some appear to have paid dramatically more in tax.<sup>883</sup>

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<sup>880</sup> If it does tell us anything about multiple names it does tell us one useful piece of information. Of the fifteen seven had the names of people prosecuted for crimes in the Act Book. As these names only occur once in the tax record it is more likely, although not certain, that these are the same people. Thus this would support the point that the respectable-sinner divide is inaccurate for Whalley.

<sup>881</sup> That was six of the fifteen.

<sup>882</sup> That was six of the fifteen.

<sup>883</sup> To attempt to place these taxation figures in some context here are some financial details. Under Henry VIII 'a poll tax is also imposed on every duke of £6 13s 4d, on every marquis, earl, marchioness and countess, £4, on every baron, 40s, and on every knight, not being lord of Parliament, 30s, on every landowner whose estate exceeds £40 annual value, 20s, on others whose estate is between £20 and 40s, 2s, and on all under 1s. Then comes property-tax of 53s 4d on £800, on estates between £800 and £400, 40s,

The shakiness of the financial and criminal evidence cannot be denied. This evidence, weak and flawed as it is, has shown, at least in some limited way, that both a financial and moral box do not seem able to hold the jurors of Whalley. Nineteen of the fifty-five most regular jurors were from families where over nine members served as jurors, that is 35%. Those families represent 22% of the total number of jurors. They held a disproportionate influence. Thirty of the fifty-five were from families where over four members served as jurors. Those fourteen families make up 34% of jurors and 55% of the most regular jurors. Family associations were by far the most powerful and obvious factor that led to a man being selected for jury service. These families would have had a great deal of influence.

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between £200 and £400, 26s 8d, between £100 and £200, 13s 4d, between £40 and £100, 6s 8d, £20 and £40, 3s 4d, £10 and £20, 1s 8d, £10 and 40s 1s. Labourers receiving wages between 40s and 20s yearly are to pay 6d, other earning less 4d. No one is exempt but married women and beggars.' J. E. Thorold Rogers, A History of Agriculture and Prices in England from the year after the Oxford Parliament (1259) to the commencement of the continental war (1793), vol. 4 (Oxford: Clarendon Press, 1882), 182.

### What the procedure looked like

Having looked at the cases which came before the court and the personnel who were involved in administering the court we shall now briefly look at the procedure of the court. The court dealt with two forms of cases; those brought by a plaintiff, which were referred to as 'Ad instanciam', and those which were initiated by the court, called 'ex officio,' and relied upon the witnesses or jurors. In most English lower ecclesiastical jurisdictions 'ex officio' cases accounted for the majority<sup>884</sup> and this was the case in the records of the Whalley Act Book. This is itself interesting as we see church justice being enforced in 'ex officio' proceedings by two groups. On the one hand the church, and the judge specifically, was at the centre of the court. On the other, the court could not have operated without the evidence of the jurors, who were simply local men. One cannot see the justice of the court as the Church imposing its rules and regulations on the laity, rather the 'church,' as a body of individuals, worked together bringing, hearing and judging cases.<sup>885</sup>

The jurors reported to the court. Then individuals were cited to appear. The Act Book makes no reference to bailiffs enforcing the summons to the court. The only mechanism that seems to have been used by the court was the threat of excommunication for non-attendance at the court when summoned. There are seventeen references to people not attending the court after receiving summonses. When an individual failed to attend he/she was charged with contumacy. In only four cases was the individual excommunicated. In

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<sup>884</sup> *The Courts of the Dean and Chapter of Lincoln and the Deanery of Wisbech*, ed. Poos, xlvii

<sup>885</sup> Donahue, "The Monastic Judge", 64-5



two cases the sentence of excommunication led directly to the person turning back to the court and appearing before it.<sup>886</sup> In another case it is clear that the offending person did appear in the court to answer charges shortly after he was sentenced.<sup>887</sup> In the final case the resolution is unclear: the only evidence we have is that a person with the same name appears twice as a juror after the event.<sup>888</sup> Whether this is the same individual is impossible to ascertain. Finally one person who had committed fornication was warned that if she attempted to leave the district she would face excommunication.<sup>889</sup> Of the remaining twelve cases one does not mention a punishment or effort to bring about a resolution.<sup>890</sup> In one case only do we see the individual being tracked down and brought before the court. When Agnes Houghton fled from the jurisdiction and into Yorkshire, having initiated a divorce suit because of her husband's violence, her husband demanded that those under the archbishop take hold of her and deliver her up to the court. Reference is made to this being done by vicars, officials, commissaries and deans.<sup>891</sup> In one instance a financial penalty is mentioned for contumacy.<sup>892</sup> Six times the punishment was suspension. It is not clear from the text what this entailed. In two further cases suspension

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<sup>886</sup> Act Book of Whalley, ed. Cooke, 6, 78-9

<sup>887</sup> Act Book of Whalley, ed. Cooke, 147

<sup>888</sup> Act Book of Whalley, ed. Cooke, 146-7, 150, 176

<sup>889</sup> 'Et propter abhominacionem criminis per eam commissi, dominus monuit eam quod recedat a jurisdictione istius curie sub pena excommunicationis citra festum Nativitatis beate Marie proximum.' Act Book of Whalley, ed. Cooke, 189

<sup>890</sup> 'Preconizatus non comparuit ideo decretus est contumax.' Act Book of Whalley, ed. Cooke, 25

<sup>891</sup> 'Quo die et termino adveniente dicta Agnes nullatenus comparuit sed interim sua propria temeritate a dicto suo marito se divertens sibi affectione et usu coniugali cohabitare renuit et recusavit et in comitatu Eboracensi extra jurisdictionem nostram moram traxit et perhendinabat unde et pretextu sue fuge ad instanciam predicti Johnnis mariti emanavit citacio directa omnibus et singulis prelatiis et eorum vicariis officialibus commissariis et decanis per cissitudinis obtentu et sub tenore expresso in sedula pergameni huic superius annexa erga diem Veneris proximum post festum assumptionis beate Marie virginis proximum futurum.' Act Book of Whalley, ed. Cooke, 29

<sup>892</sup> 'Isto die iudex videlicet magister commissarius decrevit omnes absentes saltem monitos et nullo modo comparentes fore contumaces et in pena contumaciarum suarum decrevit et eorum quem libet mulctandum fore iuxta arbitrium suum.' In this case as no-one is named. It is unclear how successful this was. Act Book of Whalley, ed. Cooke, 132

specifically from entering a church is mentioned and in one other case a chaplain was suspended from saying Mass, having earlier been suspended and having refused a second time to appear before the court.<sup>893</sup> Vodola points out that ‘the term ‘suspensio’ was often used for minor excommunication; Woodcock notes that he found no instances of the use of the term “major” or “minor” excommunication.’<sup>894</sup> Minor excommunication had no legal consequences;<sup>895</sup> one could still have contact with a person who had been suspended without facing ecclesiastical censure;<sup>896</sup> but the individual was barred from receiving the Eucharist and the other sacraments.<sup>897</sup> Being barred from the sacraments did not entail being barred from entering church. This was recommended by Sampson, who said they should stay out of church, except for private prayer, but this was voluntary.<sup>898</sup> In the two instances where this was explicitly demanded a further step was being taken. It is interesting that excommunication was used sparingly. When it was used it appears to have been effective in calling the ‘sinner’ to appear before the court and face the charge made against him/her.

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<sup>893</sup> suspended from entering church *Act Book of Whalley*, ed. Cooke, 47 (does appear before the court), 77-8 (suspended) (person never appears before court and case goes in favour of other party, 80), 81 (suspended) (unclear conclusion), 88 (suspended) (resolved very swiftly), 127 (suspension) (unclear, she is not referred to again in the record), 169-70 (suspended from entering church) (this case is unclear however later in the Act Book she does appear doing penance for a similar but different crime, 200), two chaplains suspended (185) (with one it is unclear, with another it leads onto the next case when he fails to turn up for this charge), suspension of celebrating mass for chaplain, 191 (case is not recorded as having been concluded), suspensions, 201 (also not mentioned as concluded). The instance regarding the chaplain who had been suspended then being suspended from celebrating mass does not fit with Vodola’s comments on suspended clergy. ‘Priests suffered especially from the religious consequences of excommunication: a major excommunicate who celebrated mass was liable to deposition, and even for a minor excommunicate to do so was a serious sin.’ E. Vodola, *Excommunication in the Middle Ages* (Berkeley: University of California Press, 1986), 57

<sup>894</sup> Vodola, *Excommunication*, 42 n. 55

<sup>895</sup> Vodola, *Excommunication*, 84-5

<sup>896</sup> Vodola, *Excommunication*, 61 n. 94

<sup>897</sup> Vodola, *Excommunication*, 36

<sup>898</sup> Vodola, *Excommunication*, 56 n.70

Once the individual had appeared, the charge against them was read and the defendant gave their answer. If it was denied or the defendant claimed extenuating circumstances<sup>899</sup> the plaintiff proceeded to provide proofs either in open court or by having witnesses examined and their depositions taken down in writing by an officer of the court.<sup>900</sup> If the defendant wished to offer a defence he made a defensive ‘allegation’. To this he was entitled to the plaintiff’s answer upon oath and he himself could offer proofs. Purgation by oath was used.<sup>901</sup> This required the accused to take a formal oath that he was innocent and a number of compurgators to be found who would swear to support the truthfulness of his oath. ‘The compurgators swore not to the truth of the underlying facts, but to their belief in the trustworthiness of the oath of the accused.’<sup>902</sup> They were not just character witnesses. People could object to purgation and produce evidence to prove an offence had been committed and thus nullify purgation.<sup>903</sup> The selection of compurgators was done by the accused and overseen by the judge who set the number of compurgators required, and decided whether or not to accept their oaths.<sup>904</sup> They needed to be of good repute, free from public infamy, as well as being neighbours, familiar with the character of the

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<sup>899</sup> This appeared once when illness was cited as the reason for failure to attend church. ‘Notantur quod absentant se a divinis serviciis ab ecclesia tempore divinorum etc. uxor dicti Brygge non comparuit et statim comparuit Jacobus Heype et juratus et examinatus allegavit infirmitatem quam tunc temporis habuit esse causam absencie sue ab ecclesia et divinis serviciis prout contra eum est detectum.’ Act Book of Whalley, ed. Cooke, 135 It appeared once due to a claim to have no clothes to go in. ‘Communiter se absentant ab ecclesia diebus festivis sed pauperes sunt et vestitu siue amictu destituti.’ Act Book of Whalley, ed. Cooke, 58

<sup>900</sup> Examples of this would be Act Book of Whalley, ed. Cooke, 89, 96

<sup>901</sup> Act Book of Whalley, ed. Cooke, 1, 3-4. On page 4 it says that the witnesses were believed. Also see Act Book of Whalley, ed. Cooke, 37-44. Here it is a mix of affirming what the woman has said and also adding extra detail. This is the only instance in the Act Book where detailed witness testimony is recorded. Act Book of Whalley, ed. Cooke, 67 where the woman who is accused of planning to keep a black fast and pray for vengeance has to swear an oath and have five compurgators. Purgation can be seen in a case of adultery on page 135.

<sup>902</sup> R. H. Helmholz, “Crime, compurgation and the courts of the medieval church,” in R. H. Helmholz, Canon law and the law of England (London: Hambledon Press, 1987), 131

<sup>903</sup> Helmholz, “Crime, compurgation,” 133-4

<sup>904</sup> Helmholz, “Crime, compurgation,” 134

accused.<sup>905</sup> In his article on compurgation Helmholz stressed that it was an effective system, if not in terms of conviction rates, then in terms of restoring peace to a community.<sup>906</sup>

Once the case was heard the judge decided the case having weighed the evidence before him, either from jurors, the individuals in question, possibly compurgators and witnesses. If the accused was found guilty then he/she could be punished with penances, fines, suspensions from church or minor or major excommunication.<sup>907</sup> Later in the Act Book the judge demands certificates that declare penance has been performed are given and produced at the court.<sup>908</sup>

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<sup>905</sup> Helmholz, "Crime, compurgation," 135

<sup>906</sup> Helmholz, "Crime, compurgation," 136-142

<sup>907</sup> Act Book of Whalley, ed. Cooke, ix-x

<sup>908</sup> Act Book of Whalley, ed. Cooke, xxii

## The Act Book as Evidence

Before moving on to consider the cases that arose in the Act Book it was vital to consider generally its limitations and possibilities as a source. There is massive variation in the evidence recorded for each case. Some cases are simply introduced with no detail and no conclusion. This is common for fornication cases but arises across the range of material dealt with in the Act Book. With the case of William Taylor the only material that is recorded was that he had married within the prohibited degrees and lived separately from his wife.<sup>909</sup> The material that was recorded in the Act Book appears to be largely random; in some cases the penance will be stipulated in detail, in others not; in some cases the resolution of a marital dispute will be recorded, in others not. This is certainly not because the case was not resolved; examples can be found that prove that an annulment took place even when this result was not recorded in the Act Book. Some cases give extensive detail; one exceptional case including six witness statements, while other similar cases simply say that named witnesses gave evidence. The selective nature of the evidence needs to be remembered, as does the fact that this restricts our view into the past. This said one can still view a fascinating level of social detail in the Act Book.

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<sup>909</sup> 'Willemlmus Taylour et uxor sua coniuncti sunt matrimonio infra gradus prohibitos et separatim vivunt.' *Act Book of Whalley*, ed. Cooke, 22

### **Part 3: Whalley Abbey**

## **Chapter 6: Adultery, Fornication and Penance**

### **Introduction**

In the previous chapter we saw that the Cistercians had gained the right to replace the jurisdiction of the ordinary in their territories. This led to the court run by the prior of Whalley abbey, the records of which survive for the early sixteenth-century. In this chapter we shall investigate the cases of fornication, adultery and penance. The reason for looking at fornication and adultery is that the thirteenth-century papal letter discussed in the previous chapter referred specifically to them. The reasons for looking at the penances the court gave are, firstly, that the majority of recorded examples of penance were for these offences and, secondly, that non-solemn public penance in the sixteenth century has not received much attention.

Non-solemn public penance was the most common disciplinary weapon that the court deployed, excommunication being comparatively rare. Penance, along with the other material in the Act Book of Whalley, gives us a window into two distinct but interrelated areas; on the one hand it points us to the social and religious lives of the laity; on the other it gives evidence to the relationship between the clerical world and the laity, particularly to interaction between them. This interaction has been noted by early

medieval historians.<sup>910</sup> This is the central point of this thesis: Cistercian monks, who had initially been opposed to any regular dealing with the laity, were drawn into direct contact and intimate involvement in their lives. Here we are talking not about economic relations but about the canon legal application of a pastoral programme.

Before investigating these issues in detail it is worth briefly sketching the historiography of public penance to place the material of the Act Book in its historical context.

Historians of penance had traditionally seen a dramatic decline in public penance with the decree of the Fourth Lateran Council that everyone should confess to a priest at least every year.<sup>911</sup> Mary Mansfield set out to demonstrate that the move from public to private penance was neither smooth nor swift. She showed that public penance in fact continued to operate after 1215 as part of the diverse penitential system that operated in the Late Middle Ages. While theologians had developed the rationale for private penance and while there was a general trend towards private over public penance, the structures of ecclesiastical discipline continued to turn to public penance throughout the rest of the Middle Ages and beyond. The fact that this trend outlived the middle ages has been shown by Masschaele who has pointed to a number of ecclesiastical courts which assigned penance to discipline those transgressors who came before them.<sup>912</sup> Despite the

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<sup>910</sup> R. McKitterick, The use of Literacy in Early Medieval Europe (Cambridge: Cambridge University Press, 1990) and M. Richter, The Formation of the Medieval West (Blackrock, Co. Dublin, Ireland: Four Courts Press, 1994). S. Hamilton, The Practice of Penance, 900-1050 (Woodbridge: The Boydell Press, 2001), 20n90

<sup>911</sup> H. C. Lea, A History of Auricular Confession and Indulgences in the Latin Church, vol. 1 (London: Swan Sonnenschein & Co., 1896), 37. Mansfield cites Lea, Poschmann and Vogel as all holding the view that public forms of penance declined rapidly after 1200. Mansfield, The Humiliation of Sinners, 8

<sup>912</sup> J. Masschaele, "The Public Space of the Marketplace in Medieval England," Speculum, 77 (2002), 406. A specific example of this can be seen in the former monastic archdeaconry of St Albans in the sixteenth century. R. Peters, Oculus Episcopi. Administration of the Archdeaconry of St Albans 1580-1625 (Manchester: Manchester University Press, 1963), 75

fact that public penance continued to play a significant role in the period it has not been studied in the fourteenth and fifteenth centuries.

Public penance was never focused solely on the individual but had a tripartite purpose. It needed to reconcile the sinner to God, the church and the community; it needed to punish an offence against the community; and it needed to deter the community from sin. An individual was reconciled to God by contrition and to the church by confession and penance. The sacrament restored the individual to the church, which in turn prayed to God for the forgiveness of that sinner.<sup>913</sup> Public penance proclaimed that justice had been done: both God and the community were satisfied that the price had been paid. It was this need for the wheels of justice to be seen to have turned that explains the longevity of the survival of public penance. Finally penance acted as a deterrent in France. A court specified that a woman who bore a bastard had to go in the public procession on Palm Sunday bareheaded, barefoot, in her tunic 'so that other women should abstain from such a crime.'<sup>914</sup>

Theologians in the thirteenth century divided penance into three categories: private, non-solemn public and solemn.<sup>915</sup> Public penance was distinguished from private penance in that it was performed in the public view. It could not be concealed and could take the form of a penitential pilgrimage. Solemn penance, which had its roots in Late Antiquity, saw the sinner expelled from the church on Ash Wednesday (the first day of Lent) and

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<sup>913</sup> J. Bossy, "The social history of confession in the age of the Reformation," *TRHS*, 25 (1975), 22-3

<sup>914</sup> Mansfield, *The Humiliation of Sinners*, 113

<sup>915</sup> Mansfield, *The Humiliation of Sinners*, 21-34 (particularly 21 and 30).



reconciled on Holy Thursday (the Thursday before Easter).<sup>916</sup> In theory only a bishop could impose solemn penance; it could only be imposed on a layman and only performed once; in practice these rules were not always followed.<sup>917</sup> Mansfield stressed that the lines between solemn and public penance were often blurred and that these 'tidy schemes hid a more confusing and obscure reality.'<sup>918</sup> Solemn penance was repeated sometimes; abbots and priests are known to have performed the ritual.<sup>919</sup> Cases of adultery could fall under both.<sup>920</sup> Most examples of non-solemn public penance have survived in the records of courts with episcopal jurisdiction.<sup>921</sup> Solemn penance was meant to punish those who caused scandal, while public penance dealt with those who were guilty of manifest but not scandalous sins, 'a distinction that was obviously difficult to draw.'<sup>922</sup> There is no evidence of this division in the Act Book where danger of encouraging others to sin is often mentioned.<sup>923</sup> The processional nature of many public penances was also similar to the Lenten rite.<sup>924</sup> The period of Lent is never referred to and Easter is only mentioned twice in regard to penance in the Act Book.<sup>925</sup> While there were clearly similarities and significant overlap between public and solemn penance the Act Book specifically dealt with non-solemn public penance alone, making no reference to solemn penance.

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<sup>916</sup> Lea, *A History of Auricular Confession*, vol. 1, 48. Mansfield, *The Humiliation of Sinners*, 21

<sup>917</sup> Mansfield, *The Humiliation of Sinners*, 98

<sup>918</sup> Mansfield, *The Humiliation of Sinners*, 92

<sup>919</sup> Mansfield, *The Humiliation of Sinners*, 98

<sup>920</sup> Mansfield, *The Humiliation of Sinners*, 95

<sup>921</sup> Mansfield, *The Humiliation of Sinners*, 115

<sup>922</sup> Mansfield, *The Humiliation of Sinners*, 116

<sup>923</sup> 'In quo quidem crimine animo indurato perseuerare non formidas in tue anime graue periculum et aliorum exemplum perniciosum.' *Act Book of Whalley*, ed. Cooke, 8

<sup>924</sup> Mansfield, *The Humiliation of Sinners*, 127

<sup>925</sup> *Act Book of Whalley*, ed. Cooke, 8-9, 178

Before investigating adultery and fornication and how they were dealt with in the Act Book it will be worth looking at what the performance of penance actually looked like, which will involve a brief consideration of the other offences for which penance was enjoined. Public penance was public theatre combined with public justice. The principle of restitution and a sense that the punishment should fit the crime that ran throughout the administration of penance generally and can be seen in Whalley. Restitution went beyond simply the returning of stolen good to their rightful owner, Bossy stating that it touched adultery, abuse, and slander amongst other offences.<sup>926</sup> He cited Geiler of Kaisersberg, who preached ‘that people felt shamed, not when they stole, but when having stolen they were obliged to make restitution. He also insisted that this should be made directly, and not by some convenient by way like giving to the poor.’<sup>927</sup> Restitution can be seen in the Act Book in the only mentioned case of slander. Alice Marcroft confessed that she had said scandalous words, namely, ‘She said: That the said Isabelle was a harlot and had been, three times in one week, brought into another man’s bed.’ Her penance was to include speaking the aforesaid words, saying that they came out of pure malice and not something truly known. She also had to seek forgiveness from Isabella before the court.<sup>928</sup> Alice had to take back her own words publicly and ask for forgiveness from the wronged woman. Her verbal offence was resolved verbally. In three cases where working

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<sup>926</sup> Bossy, “The social history of confession,” 26

<sup>927</sup> Bossy, “The social history of confession,” 26

<sup>928</sup> ‘Notantur de scandalo diffamacionis facto versus Isabellam Haworth quibus preconizatis predicta Alicia personaliter comparuit et dicit se loquutam fuisse verba scandalosa, videlicet, “She sayde: That the sayde Isabelle was a harlot and hade byn iii tyme, in una septimana, broughte unto a nother mannys bed.” Et sponte se submittit ordinacioni iudicis et iurata est ad subevendum penitenciam ei iniungendam iniunctaque est ei penitencia pro eo quod loquuta est verba predicta ut dicit ex pura malicia et non de aliqua vera cognitione, ut peteret tunc in facie Curie super genua de predicta Isabella indulgenciam. Et sic fecit dictaque Isabella ei indulsit. Et de residuo penitencie respectuatur ad voluntatem domini Commissarii.’ *Act Book of Whalley*, ed. Cooke, 184

on a feast day was prosecuted penance included taking a cart of slate stone to a church.

For failing to stop working for themselves they would work for the church.<sup>929</sup>

Those who talked in church or were absent from services were often told to say a rosary of 150 Ave Marias.<sup>930</sup> Those who sinned by not worshipping God received penance that directed them to worship. This is not to suggest that the principle of restitution was always behind the penance which was given. The evidence does not fully survive and where it does the picture that emerges is that restitution was simply one of the principles at work. Of the nine cases of working on a holy day four give no detail, one mentions carrying a candle to the parish mass<sup>931</sup> and one mentions saying the rosary.<sup>932</sup> This point is made clearly with fornication. Bossy mentioned that the proper restitution for seduction was marriage. Only once in the records of the Act Book does a fornication prosecution mention that it ended in marriage.<sup>933</sup>

At the centre of public penance was the penitential procession to a church or churches.<sup>934</sup>

Where penance was specified for fornication and adultery it always involved taking part

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<sup>929</sup> 'Milo Crabtree et Jacobus Herteley conducti pro stipendio ararunt terram Roberti Varley de Barlabothe in die Mercurii in festo Pasche ultimo evoluti. Fatentur crimen et habent pro penitencia ad vehendam Carectam de Slate stonez ad ecclesiam de Downham.' *Act Book of Whalley*, ed. Cooke, 58

<sup>930</sup> 'Jacobus Hepe pro consimili confabulacione fatetur articulum et submisit penitencie. Habet ad dicendum psalterium beate Marie.' *Act Book of Whalley*, ed. Cooke, 59. Psalterium beate Marie is given as saying 150 Ave Marias in Latham. Talking in church occurs four times, once combined with non attendance at church and another with working on a holy day. Only once do we have the detail of the penance enjoined. Two of the three times absence from church is referred to the rosary is mentioned. The other said they submitted to penance but gives no details.

<sup>931</sup> 'Christoferus Robinson notatur quod operatur in festo ultimo pasce fatetur articulum et iniunxit iudex sibi ut offerat candelam valentem denarium sie dominico in missa parochiali.' *Act Book of Whalley*, ed. Cooke, 7

<sup>932</sup> *Act Book of Whalley*, ed. Cooke, 58-9

<sup>933</sup> *Act Book of Whalley*, ed. Cooke, 165

<sup>934</sup> Once it was specified that the penitent had to process to the market place as well. 'forum eiusdem ville eodem die.' *Act Book of Whalley*, ed. Cooke, 134

in a procession to the church. It was also enjoined as part of the penance in an instance of working on a feast day and in the one case of contempt of court.<sup>935</sup> Here the sin, penitence and humiliation of the sinner were clearly displayed to the local community. The exact details of what the penitent had to carry, to wear and how often they had to take part in a procession varied at the discretion of the court. Later we shall consider what factors can be seen to be taken into account but for now the various specifications shall be considered. At different times penitents were told to join the procession with either bare feet<sup>936</sup> or both feet and legs<sup>937</sup> uncovered.<sup>938</sup> Once it was specified that a woman should process penitently with bare feet and hands (*nudis manibus et pedibus*) while carrying a wax candle.<sup>939</sup> Sometimes they were told to have their heads uncovered,<sup>940</sup> at others to wear only a kerchief on their heads, or they might be told explicitly to cover their heads. Clothing was specified in eighteen separate cases. On one occasion the Act Book specified that the man should wear a tunic<sup>941</sup> and shirt,<sup>942</sup> while the woman he had fornicated with should wear a shirt and cloak.<sup>943</sup> On another occasion a man could only wear a gown (*togo*)<sup>944</sup> and a shirt.<sup>945</sup> Linen was specified twice,<sup>946</sup> while wearing white was required four times.<sup>947</sup>

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<sup>935</sup> It does not appear in other cases of working on a holy day, in cases of talking in church or of absence from church. Neither does it occur in the case of slander that appears before the court.

<sup>936</sup> Fourteen times (seven to men, seven to women) does this occur.

<sup>937</sup> Feet and legs are mentioned three times (twice to men and once to women).

<sup>938</sup> Four times both are mentioned together.

<sup>939</sup> Act Book of Whalley, ed. Cooke, 134

<sup>940</sup> An uncovered head is never referred to without reference to uncovered feet or legs. An uncovered head is referred to fifteen times (eight men, seven women), ten (five men, five women) times combined with uncovered feet, four times with uncovered legs (two men and two women) and once with all three uncovered (a man).

<sup>941</sup> Wearing tunics are mentioned five, and not wearing one is mentioned once (*absque tunicis*) Act Book of Whalley, ed. Cooke, 115

<sup>942</sup> Only wearing a shirt is mentioned eight times.

<sup>943</sup> '*viro sua tunica et camisia duntaxat induto et predicta Sibilla camisia sua et pallio suo.*' Act Book of Whalley, ed. Cooke, 45

<sup>944</sup> three

Carrying candles was a typical part of these processions.<sup>948</sup> Of fifty four instances where a penitential procession was mentioned only twice was the carrying of candles not specifically ordered. Candles could be symbolically ambiguous, appearing in celebrations, such as Candlemas, when the presentation of Jesus in the Temple and the Purification of the Virgin was remembered, and supplications. This was almost certainly due to their expense.<sup>949</sup> In nineteen of these cases we are not informed of either the weight<sup>950</sup> or the monetary value of the candles.<sup>951</sup> The financial values varied from ½ d to 3 d. Men were financially penalised more heavily than women, but the difference was not substantial. Seventeen men were made to carry candles costing an average of 1.38d,<sup>952</sup> while the average cost for the thirteen women was 0.81d.<sup>953</sup> On average men paid ½d more. Mansfield mentioned that part of the procession would involve the sinner offering the candle on the altar after they had been reconciled.<sup>954</sup> While this happened in the Act Book, overall the picture is more diverse there. At the end of the Mass, having processed into the chapel John Pilling was to offer his candle to the high altar in the custom of penitents.<sup>955</sup> Often it is stated that the sinner is to offer the candle to the priest.<sup>956</sup> Once,

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<sup>945</sup> *Act Book of Whalley*, ed. Cooke, 53. could be only a shirt. *Act Book of Whalley*, ed. Cooke, 133

<sup>946</sup> 'Lyneis tantum induta preter tunicam.' *Act Book of Whalley*, ed. Cooke, 60. 'sola lintheamine induta.' *Act Book of Whalley*, ed. Cooke, 191

<sup>947</sup> 'in alba tunica.' *Act Book of Whalley*, ed. Cooke, 113. 'albis vestibus.' *Act Book of Whalley*, ed. Cooke, 180. 'veste alba.' *Act Book of Whalley*, ed. Cooke, 191. 'sola alba tunica.' *Act Book of Whalley*, ed. Cooke, 195

<sup>948</sup> Mansfield, *The Humiliation of Sinners*, 168, 183

<sup>949</sup> Mansfield, *The Humiliation of Sinners*, 136

<sup>950</sup> Weight was mentioned three times. Once one pound (libre cere) and twice half a pound (dimidii libri cere, dimidii ponderis cere) of wax. All three instances referred to men carrying the candles.

<sup>951</sup> Ten times this refers to men, nine to women.

<sup>952</sup> Five men paid 1/2d, five 1d, five 2d, two 3d.

<sup>953</sup> Five women paid 1/2d, eight 1d.

<sup>954</sup> Mansfield only mentions that they were offered on the altar. Mansfield, *The Humiliation of Sinners*, 205

<sup>955</sup> 'ut supra iniunxit sibi quod ipse die Dominica proxime sequenti agat penitencias subsequentes videlicet quod ipse cum candela cere precii denarii ardente coram eo genibus flexis sedeat in stallo suo consueto

when Sibylla Byrome, a vagabond, and Jacob Dryver committed fornication and Sibylla had a child, they were ordered to offer candles on the last day of their penance to the principal image in the chancel of Colne.<sup>957</sup>

A much rarer element of these penitential processions was that the penitent would receive a beating. Flagellation as a punishment to make satisfaction had strong links with monastic piety and internal monastic discipline. Flagellation mirrored the ascetic life of the monastery.<sup>958</sup> Here a monk gave a punishment straight out of the monastery to a member of the laity. Not only were the monks assigning corporal beatings as part of penance but in those churches and chapels where they acted as the vicars, which occurred in several churches owned by Whalley, they were also administering those penitential beatings. In some cases a Cistercian monk assigned a traditionally monastic punishment to a member of the laity and then another Cistercian monk administered that monastic punishment to the person in question. The picture is of a member of the laity being drawn into the monastic world and the monastic world extending out into the parish.

Flagellation is mentioned only seven times in the Act Book, five times men receive beatings and twice women. Why did the court turn to flagellation to discipline sinners?

Bennett mentions that public floggings was the standard punishment for fornication and

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infra capellam de Rosyndale tempore Misse eiusdem diei in oracionibus suis et missa finita offerat huiusmodi candelam ad summum altare eiusdem capelle more penitentis.' *Act Book of Whalley*, ed. Cooke, 154. Twice the Act Book says 'quam candelam offerat ibidem peractis penitenciis,' or 'offerat post penitenciam huiusmodi peractam,' *Act Book of Whalley*, ed. Cooke, 164, 166

<sup>956</sup> 'cum cereo precii id, et in ultimo offerret idem ad manus presbiteri.' *Act Book of Whalley*, ed. Cooke, 57. Also *Act Book of Whalley*, ed. Cooke, 60, 74. Or to the curate (et illum offered ultimo ad manus curati de Bronley), *Act Book of Whalley*, ed. Cooke, 57

<sup>957</sup> 'que offerent ultimo die in Cancelllo de Colne coram imagine principali.' *Act Book of Whalley*, ed. Cooke, 45

<sup>958</sup> Mansfield, *The Humiliation of Sinners*, 107, 128. Hamilton, *The Practice of Penance*, 203

while this punishment was only used for this offence in the Act Book it is also true that it does not appear to have been widespread. This is in line with Masschaele's comment that the punishment declined in the sixteenth century.<sup>959</sup> In the case of John Lord and Thomas Wilkinson they had committed fornication several times and so 'he should have (i.e. receive) discipline from the chaplain of the same chapel.'<sup>960</sup> There is little evidence that this punishment was specifically given to notorious individuals. Most of those who were given this punishment had not appeared in the records of the Act Book previously.<sup>961</sup> The punishments are generally, although not always, part of a severe penance, which lasted more than one day and involved clothing regulations. The other general trend seems to be poverty. Four of the seven carried candles of ½ d, one carried one of ½ a pound.<sup>962</sup> This said it should be remembered that six other individuals carried candles of ½ d and they did not receive discipline.

Bennett also links this punishment with poverty, by stating that it could be avoided by the payment of a monetary fine.<sup>963</sup> Mansfield also said that only those 'too poor to pay the fine for fornication underwent public penances.'<sup>964</sup> The payment of fines was an

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<sup>959</sup> Masschaele, "The Public Space", 410. Poos says that the typical punishment for fornication was a ritual flogging. His data is from the fourteenth and fifteenth centuries. The Courts of the Dean and Chapter of Lincoln and the Deanery of Wisbech, ed. Poos, xlvii

<sup>960</sup> 'habeat dissiplinas a capellano eiusdem capelle.' Act Book of Whalley, ed. Cooke, 126

<sup>961</sup> John Duxbury only appears once in the Act Book regarding a crime. 'Dicunt quod Johannes Dukesbury de Rosyndale procreavit prolem ex Johanna, nuper relicta Henrici Dereden, de eadem.' Act Book of Whalley, ed. Cooke, 130. He 'accipat dissiplinas a presbitero' Act Book of Whalley, ed. Cooke, 133. James Parker does not appear regularly as a criminal but does receive discipline. Act Book of Whalley, ed. Cooke, 149. Thomas Wilkinson was up before the court for the second time regarding fornication. Act Book of Whalley, ed. Cooke, 109, 154. Richard Holden's only other appearance was when his wife had their marriage annulled. Act Book of Whalley, ed. Cooke, 158, 164. Margaret Hutchin had never before come before the court. It should be noted the text reads 'recipiat dissiplinas a curato modo ibidem consueto.' Act Book of Whalley, ed. Cooke, 180. Neither had Johanna Heype. Act Book of Whalley, ed. Cooke, 190.

<sup>962</sup> One carried one of 1d and another 1 lb.

<sup>963</sup> J. M. Bennett, "Writing Fornication: Medieval Leyrwite and its Historians," TRHS, 13 (2003), 136

<sup>964</sup> Mansfield, The Humiliation of Sinners, 113

acceptable part of the appropriate non solemn public penance. Hamilton has suggested that payment was means tested.<sup>965</sup>

A fine was a rare type of non-solemn public penance in the Act Book, being mentioned only seven times.<sup>966</sup> It occurred exactly the same number of times as flagellation. In the Act Book it generally seems to operate as part of a penance rather than replacing penance. In the only case of contempt of court that appears in the Act Book Thomas Verley does two days of processional penance as well as making several payments to the church.<sup>967</sup>

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<sup>965</sup> Hamilton, *The Practice of Penance*, 42

<sup>966</sup> 'soluit feodum et dimittitur.' *Act Book of Whalley*, ed. Cooke, 23. 'Margareta Taylour cum Johanne Haworthe prolem procreavit et genuit cum eodem Preconizata non comparuit sed per relacionem fidedignorum de suo legitimo impedimento continuatur usque ad proximam curiam super nova monicione fienda [debet feodum continuacionis iid].' *Act Book of Whalley*, ed. Cooke, 46. 'debet feodum'. *Act Book of Whalley*, ed. Cooke, 54. 'debet feodum v d.' *Act Book of Whalley*, ed. Cooke, 116. 'Presentant Johannam Ballard eciam Thomam Sawyer maritum quod predicta Johanna prolem procreavit de eodem non comparuerunt et ideo suspensi comparuerunt et submiserunt correccioni et predicta Johanna debet feodum viiid. Et iniuncta est eis penitencia et non perfecerunt et ideo de nova citati sunt sed minime comparentes, commissarius decrevit eos suspendi et iterum citari erga feriam sextam proximam post festum Assumpcionis beate Marie. Quo die comparentes veniam pecierunt et sic obtinierunt absolucionem eciam promisarunt emendacionem et iniunctum eis sub pena excommunicationis ne amplius cohabitent.' *Act Book of Whalley*, ed. Cooke, 116-7. 'ad recipiendum penitencias condignas Robysonson peregit uno die penitenciam iuxta iniunctiones sibi prius factas et judicialiter promisit contribuere ad emptionem aliquorum necessariorum capelle de Rossyndale octo denarios citra festum Pasche.' *Act Book of Whalley*, ed. Cooke, 178

<sup>967</sup> 'Thomas Verley... citatus ad respondendum certis articulis contemptum inprimis huius Curie concernentibus comparuit et fatetur contemptum ac submitit se penitencie Et vicarius de Whalley deputatus domini commissarii iniuncit sibi duos dies penitencie, ut circuat ecclesias sive capellas Sancti Michaelis in castello et Downnam separatis diebus more penitentis etc. Et ille desiderans redemere easdem penitencias promisit soluere reparacioni et picture ecclesie parochialis de Whalley predictae vi<sup>s</sup> viii<sup>d</sup> ad manus vicarii eiusdem sub forma sequente videlicet ad festum beate Marie proximum futurum ii<sup>s</sup> iii<sup>d</sup> et ad festum sancti michaelis proximum futurum ii<sup>s</sup> iii<sup>d</sup> et ad festum sancti martini in yme ii<sup>s</sup> et invenit johannem Nuttar tunc presentem fideiussorem et promittentem id soluere fideiussori.' *Act Book of Whalley*, ed. Cooke, 158-9



By the twelfth century penances had become arbitrary, fixed tariffs were removed and contrition became essential.<sup>968</sup> The priest had to consider the sinner's sex, age, condition, status and character, whether the sinner lived a continent or incontinent life, even the state of the heart of the sinner.<sup>969</sup> In the case of Margaret Robinson her penance was commuted to saying a rosary of 150 Ave Marias five times due to her penitence.<sup>970</sup>

This could mean that a man might receive a greater penalty than the woman with whom he had committed fornication. The manorial courts studied by Judith Bennett punished women and not men. The church courts punished both, with apparently no gender bias.<sup>971</sup> Although particular judgements were based on the concrete circumstances, however, these details are not recorded in the Act Book. This is one of the frustrating factors regarding the Act Book as evidence; there is very little detail, the age of an individual or the occupation of a person who is given penance is never mentioned; it is rarely mentioned if a case involved a repeat offender. It is difficult to know what led to the varying penances that were imposed. Every now and again we glimpse a snapshot into the rationale behind varying penances. The fornication case of John Pilling is one such instance: 'because he was very penitent and voluntarily and from his own free will submitted (to penance)' he received a light penance when compared to that of others.<sup>972</sup>

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<sup>968</sup> T. N. Tentler, *Sin and Confession on the eve of the Reformation* (Princeton, New Jersey: Princeton University Press, 1977), 16-7. B. Poschmann, trans. F. Courtney, *Penance and the Anointing of the Sick* (London: Burns and Oates, 1964), 158

<sup>969</sup> Hamilton, *The Practice of Penance*, 110

<sup>970</sup> 'Et iniunctum est dicte mulieri de peragendo penitencias sub hac forma videlicet, that because she is veray penytent for her offences it is therefore enjoined her to say fyve lady saltars betwixt this and Ester next comyng.' *Act Book of Whalley*, ed. Cooke, 178

<sup>971</sup> Bennett, "Writing Fornication," 153. Masschaele, "The Public Space," 412

<sup>972</sup> John Pilling (and Agnes Grymshaw): 'Et magister Commissarius pro eo quod idem Johannes fuit nimis penitens ac sponte ac ex sua libera voluntate submitit se ut supra iniunxit sibi quod ipse die Dominica proxime sequenti agat penitencias subsequentes videlicet quod ipse cum candela cere precii denarii ardente

A statistical look at the examples of penance in the Act Book is illuminating. Sexual offences predominate. They are the two main offences that are recorded as having received penance. Fornication is the run-away winner with forty-two instances of penance being enjoined for this act. Adultery comes in second with fourteen; working on a holy day appears nine times; talking in church and absence from church four times; contempt of court, slander and an unknown offence each appear once.

One of the strange occurrences in the Act Book is that often only one of the two sexual offenders is recorded as being given penance. The conclusion that can be drawn from this is interesting. In adultery cases both parties are given penance six times,<sup>973</sup> seven times to the man only<sup>974</sup> and just once to the woman only.<sup>975</sup> In regard to fornication the evidence is very balanced. Twelve times both sexes are mentioned,<sup>976</sup> fifteen times just the man is mentioned,<sup>977</sup> and fourteen times just the woman.<sup>978</sup> Four times concubines appear and in three of the four it is the man only who is recorded as receiving penance. A vagabond is referred to once and both get penance. Handmaids appear twice, once both receiving penance and once with only the man being cited. The reason for the man not being mentioned is twice given as he is unknown, the woman is absent three times, the man is outside the jurisdiction of the court eight times and once this is the case with a woman,

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coram eo genibus flexis sedeat in stallo suo consueto infra capellam de Rossyndale tempore Misse eiusdem diei in oracionibus suis et missa finita offerat huiusmodi candelam ad summum altare eiusdem capelle more penitentis, et quod certificet de huiusmodi penitenciis peractis in proximo capitulo.' *Act Book of Whalley*, ed. Cooke, 154

<sup>973</sup> Child being produced four times and twice not.

<sup>974</sup> A child being produced three times and not four times.

<sup>975</sup> On this occasion a child was produced.

<sup>976</sup> Child: no child ration, 11:1

<sup>977</sup> 13:2

<sup>978</sup> 12:2

finally in one instance the woman is recorded as dead. In fifteen cases (ten men and five women) we have some information as to why only one individual is cited.<sup>979</sup> Given that twice the number of men are recorded as being outside the court than women it is all the more striking that men alone are mentioned more often than women alone, albeit very slightly.<sup>980</sup> What are we to make of the occurrences when only one is recorded as being given penance? The difficulty of the evidence must make conclusions tentative. It is impossible to know how often penances were given but were not recorded in the Act Book for any reason. What is clear is that no gender bias against women is evident.

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<sup>979</sup> Four cases of adultery (woman three times, man once) and eleven fornication (nine men and two women).

<sup>980</sup> Fornication 15:14, overall 22:15

## Adultery

Not only do cases of adultery and fornication predominate, in the Act Book they are also almost always referred to first before the court moves onto other proceedings. This shows us the central significance of these cases for these courts, which can also be noted by the reference to both offences specifically in the papal letter which was the starting point of our analysis of the Whalley court. We shall now investigate these two offences. The Act Book records thirty three cases of adultery.

The first case that comes under this heading receives a large amount of space, in comparison to most adultery or fornication cases, which often only receive a line or two, perhaps more when the conclusion of proceedings makes its way into the historical record. This case had almost certainly been in the court many times before. This Act Book, the only one of its kind to survive for Whalley, must have been part of a continuous series of records stretching back into the court's history. The immediate predecessor would have dealt with the case in question before it reached this concluding point. As the affair had taken place over four years and had produced three sons it is certainly probable that the matter had been before the courts for a number of years. The Act Book mentions 'fama publica referente' and gives further detail.<sup>981</sup> It concludes by mentioning that they both confessed and then records the separate and differing penances that they each must perform.

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<sup>981</sup> 'videlicet per iiii<sup>or</sup> annos et amplius, per mensem et menses atque diem et dies, in concubinam publice tenuisti et adhuc tenes et cum eadem crimen adulterii scienter et dolose commisisti atque ex eadem tres pueros ex coitu adulterino procreasti. In quo quidem Crimine animo indurato perseuerare non formidas, in tue anime grave periculum et aliorum exemplum perniciosum.' *Act Book of Whalley*, ed. Cooke, 8

The accused woman had been a concubine. Concubinage was practised throughout the Middle Ages and at all social levels. A poor couple might live together informally due either to a lack of means or incentive to legitimise the union; wealthy men regularly retained socially inferior women as concubines.<sup>982</sup>

Brundage has shown that in the sixteenth century the Church took a much firmer line against concubinage than it had previously done, but that it was still unable to enforce total prohibition.<sup>983</sup> In the above case the woman had been held as a concubine publicly for four years and it appears she lived within the household of the man in question. Including this case concubinage appears five times in regard to adultery in the Act Book.<sup>984</sup> In one case we see the penance imposed for this offence which included releasing the girl from the household.<sup>985</sup> Two cases occur before the Lateran Council of 1514 and three after this. It is interesting to note that after 1519, thus for the final nineteen years that we have records for the court, no further cases of concubinage appear.

While the danger to the souls both of the adulterous couple and to others, who may swerve away because of their example, was an issue, it is clear that the production of

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<sup>982</sup> J. A. Brundage, Law, Sex, and Christian Society in the Middle Ages (London: University of Chicago Press, 1987), 297

<sup>983</sup> In the early sixteenth century it finally became church policy to force men to dismiss their concubines, with the Fifth Lateran Council (1514), Brundage, Law, sex, 514. J. A. Brundage, "Concubinage and Marriage in Medieval Canon Law," in J. A. Brundage, Sex, Law and Marriage in the Middle Ages (Aldershot: Variorum, 1993), VII, 10

<sup>984</sup> Act Book of Whalley, ed. Cooke, 8-9, 23, 53-4, 55, 65

<sup>985</sup> 'Richardus Holgate de Haybothe, vxoratus, prolem procreavit ex Elizabetha Walbank ancilla sua et tenet eam in domo sua. Fatetur articulum et submitit correccioni. Non obstante iniunccione predictus denuo recepit eandem. Pro quo sua contumacia iniunctum est ei ut continuo expellat eandem et quod tam ipse et ipsa circueant infra Castrum cum cereo id, die Dominico proximo post festum Omnium Sanctorum proximum sub pena excommunicacionis.' Act Book of Whalley, ed. Cooke, 53-4

extra-marital children was central to the prosecution of the offence.<sup>986</sup> This is perhaps less clear from this example, and the lack of background to the case certainly does not help the process of reaching firm conclusions here. When one looks at the evidence for the other cases of adultery in the Act Book a pattern does emerge.

### **Adultery Cases: Some Statistics**

Concubines referred to:	5
Living in the same house:	4
Married man prosecuted	28
Married woman prosecuted	4
Both married:	1
Evidence: Public rumour	4
Evidence: Children produced	23
Evidence: Unstated	6

We see clearly that adultery cases normally arose due to the pregnancy of the woman involved in the relationship. This is mentioned in 70% of those cases which were prosecuted, with only 12% specifically mentioning public rumour. This should not call into question the central role of public rumour in the prosecution of cases in lower ecclesiastical courts; however it should offer us a window to understand how public rumour operated. The court was far less willing to consider accusations of adultery

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<sup>986</sup> This is also evident in the records of Broughton's manorial court where twenty six of the thirty-four fornication fines mentioned a child. B. A. Hanawalt, *The Ties that Bound: Peasant Families in Medieval England* (Oxford: Oxford University Press, 1986), 194-5. Poos is correct to point out that common fama could also lead to prosecutions, however the evidence is clear that the great proportion were prosecuted due to pregnancy. Poos, "Sex, Lies, and the Church Courts."

without concrete evidence of guilt. While in one sense public rumour always operated, with a typical case reading, 'Jurati dicunt et presentant,' this occurred in seventy percent of the cases because, 'Alanus Barcroft vxoratus adulteratur cum Johanna filia Roberti Nutter de Newlawde et ex eadem prolem procreavit.'<sup>987</sup>

86% of adultery cases prosecuted in this peculiar court were against male adulterers, with the women being unmarried. Keith Thomas spoke of the 'double standard'<sup>988</sup> of treating extra marital sex as acceptable where men were concerned but not for women. In Whalley men were being prosecuted more often.<sup>989</sup>

One may say, 'It is all very well to say more men were prosecuted but surely women were punished more harshly by the courts than men?' But they were not- another surprising fact. There is no great consistency in the penitential penalties that were imposed for adultery. The number of days that penance had to be done, the clothing that was to be worn or not worn varied. We have seen earlier that this occurred due to the discretion of judges, the details of the case and the contrition of the criminal. There is no evidence that women were punished more harshly than men. Three times both parties were given equal punishments. Once the man was told that part of his penance would be to receive discipline. In the one instance where we have just a woman being given penance she must carry a candle for one day to the chapel. In contrast the following case is of a man alone being given penance to carry a candle for two days. None of the

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<sup>987</sup> *Act Book of Whalley*, ed. Cooke, 11

<sup>988</sup> K. Thomas, "The Double Standard," *Journal of the History of Ideas*, 20 (1959), see also B. S. Capp, "The Double Standard Revisited: plebeian women and male sexual reputation in Early modern England," *Past and Present*, 162 (1999)

<sup>989</sup> This fits with Bennett, "Writing Fornication," 153 and Masschaele, "The Public Space," 412

instances of penance for adultery give two different penances. Where men are dealt with separately they were dealt with in harsher terms than the woman alone.



## An Interesting Case of Adultery

The case of John, Richard and Emma Cronkshaw provides an interesting case of the prosecution of adultery at Whalley. In this case where we have a great deal of detail the general impression of how adultery cases worked is borne out. Richard first appeared in the Act Book for not cohabiting with his wife.<sup>990</sup> Then shortly after this the case of adultery and incest arises. John Cronkshaw was questioned as to whether he had committed adultery with Emma, the wife of Richard his relative. The case had arisen due to publica fama and is one of the rare cases where this is the explicit basis for the prosecution. He denied the charge and was able to escape the charge with the testimony of twelve honest men.<sup>991</sup> Two years later, in 1532, the charge again arose as a result of fama.<sup>992</sup> Later that year John confessed and sought absolution. The full detail of the penance that was enjoined upon John Cronkshaw is recorded, but no mention is made of Emma or the penalty imposed upon her.<sup>993</sup> The court prescribed that John should wear

<sup>990</sup> 'notatur quod non cohabitavit cum vxore sua ut tenetur.' *Act Book of Whalley*, ed. Cooke, 134

<sup>991</sup> 'Eodem die Johannes Cronkshay examinatus fuit virtute juramenti sui super adulterio commisso cum vxore Richardi Cronkshay, consanguinii sui; super quo crimine erat notorie diffamatus ac super quo est publica fama etc. comparuit et negavit articulum. Et habet diem crastinum Sancti Jacobi apostoli ad purgandum se sua duodena manu honestorum virorum vicinorum suorum, vite et conversacionis eorundem noticiam habentium etc.' *Act Book of Whalley*, ed. Cooke, 135

<sup>992</sup> 'Item dicunt quod fama laborat apud West Crosse et ibidem quod Johannes Cronkshay cognouisset Emmam, vxorem Richardi Cronkshay, et ipse eciam est maritatus et consanguineus dicti Richardi in secundo et secundo gradibus consanguinitatis vel affinitatis.' *Act Book of Whalley*, ed. Cooke, 143. The same charge is also found on page 149.

<sup>993</sup> 'notatur de adulterio et incestu cum Emmota Cronkshay, vxore Richardi Cronkshay, consanguinii sui. Super actu comparicionis quo preconizato comparuit dictus Johannes Cronkshay et fatetur quod habuit carnalem copulam cum eadem Emmota. Et fatetur quod est uxor dicti Richardi Cronkshay et quod est affinis sua in secundo et secundo gradibus et quod est maritatus et fuit tempore copule etc. et submitit se penitencie et iuravit de peragendo penitencias sibi iniungendas et iniunctum est ei quod circuat processionaliter capellam de Padeham die Dominico proximo coram cruce nudis capite et pedibus corpore leueis duntaxat induto tenens dimedium ponderis cere ardentis in dextera et par precium in senestra et populo in ecclesiam reverso revertet se ad Richardum Cronkshay si presens fuit alioquin ad populum et dicat alta et intellegebili voce in Anglicanis verbis ut sequitur; Cosyn Richard Cronkshay, where I, yll dyssposed and contrary to the lawes of Good, haith intysed your wyff to yllnesse and haith commyttyd adultery with hir and had carnall knowlege of hir bodie I beseke Good and you to forgyffe me here knelling

linen, that his head and feet should be uncovered, that he should carry a burning wax candle weighing half a pound in his right hand and even what he should say and in what language, showing the need for everyone in the congregation, including John, to understand what was taking place.<sup>994</sup> The need for everyone to understand is stressed by mention being made of this being done in the presence of the people and the words being said loudly and clearly. The words themselves make it clear that he knew he was the person fundamentally at fault, he had enticed her. The fact that he had sinned against both Richard Cronkshaw and God is made explicit. The principle of restitution is clear as he publicly begged the wronged husband for forgiveness. The penance carries on over three weeks and includes penance being done during the feast of the conception of Mary. This is one of the longest and most severe penances given in the Act Book and stresses the gravity of this offence.<sup>995</sup> The penance was to be done in three separate churches. The public nature of the enjoined penance is very clear; everyone in the local area would have known what offence had been committed and that repentance, through word and deed, had taken place.

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on my knesse and doynge my peanansse for that synfull duydde. Et revertat ad altare et ibi permaneat flexis genibus in oracione usque offitium Misse. Tunc oblata candela minibz sacerdotis Remaneat orando in finem Misse; qua finita recedat penitenter et sic faciat circa capellam castelli secunda Dominica et circa ecclesiam de Burnelay tercia Dominica et in festo Conceptionis beate marie transeat more penitentis a castello de Cledero ad ecclesiam ibidem per forum tempore quo vocatus fuerit per nuncium Magistri Commissarii proviso quod apud Padiham (tantum) petit veniam ut prescribitur.' *Act Book of Whalley*, ed. Cooke, 156

<sup>994</sup> Hamilton, *The Practice of Penance*, 126

<sup>995</sup> It is worth noting though that several cases of fornication were given penance over four Sundays.

## Fornication

Having considered adultery we shall now turn to the most common offence dealt with by the Act Book and indeed the major concern of all lower ecclesiastical courts.<sup>996</sup> Below follows a list of the figures regarding fornication,

Fornication and both parties only referred to: 15

Woman only referred to: 1

Both referred to and Child Produced/woman pregnant: 87

Woman only referred to and child produced: 32

Man only referred to and child produced: 2<sup>997</sup>

Involving a concubine or servant: 7<sup>998</sup>

Involving a vagabond: 1

Incest mentioned: 1

Public Rumour mentioned: 3<sup>999</sup>

Total number of Cases: 137

Children Produced: 121 (88%)

Explicit reference to Public Rumour: 3 (2%)

Fornication (no children mentioned): 16 (12%)

Woman only referred to: 33 (including one occasion with no reference to children) (24%)

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<sup>996</sup> Bennett, "Writing Fornication," 136

<sup>997</sup> Act Book of Whalley, ed. Cooke, 177, woman is dead.

<sup>998</sup> Act Book of Whalley, ed. Cooke, 23, 56, 57 (x2), 66 (x2)

<sup>999</sup> Act Book of Whalley, ed. Cooke, 124 (public rumour regarding paternity)

In both cases of fornication and adultery prosecutions were brought because of pregnancy rather than public rumour or accusations alone. The combined data shows that 85% of prosecutions were based on the woman becoming pregnant. Public rumour is explicitly referred to very rarely, in only 7 cases out of 170 (4%). Rumour or accusation played a greater part in cases of adultery, with 30% compared to 12%, as one would expect, as adultery is an offence with a very clear victim, the cuckolded spouse and by association the offended family. This is interesting as it would have been shameful for the cuckolded spouse to bring the action, but perhaps more painful for the adultery to continue unchecked. One reason that pregnancy might have been such a major factor in the prosecution of fornication is that it clearly turns a private sin into a public one. It became an issue that could no longer be dealt with by private confession and penance. The unwanted pregnancy proclaimed to the world that a sin had occurred. Not only was in proof positive that this had happened; it could hardly be denied, the condemning evidence being visible for all to see; it took the sin out of the private area and into the community. The community now knew a sin had been committed; a bad example had been given. It would no longer be possible for this private sin to be dealt with by private penance. The public needed to see justice done; it needed to be warned that it could not behave in this manner.

In instances where prosecution is based on publica fama alone and not upon the production of a child both parties are almost always cited, with fifteen examples of both parties being prosecuted, compared with only one where the woman alone was prosecuted. In cases where a child was produced or the woman was pregnant, there is

roughly a three to one ratio: for every three cases where both parties are named one arises where only the woman is named.<sup>1000</sup> In 76% of cases both parties are named. One can think of a number of reasons why the male would not be named; due to promiscuity the woman might not know; she might hide the identity of the individual to protect him; she might hide his identity out of fear of reprisals, physical or legal;<sup>1001</sup> finally it may have been perceived as more likely that the lover would provide for the child if his identity was kept out of the courts.<sup>1002</sup> The Act Book does throw up one example of the court in Whalley investigating the matter.<sup>1003</sup> Isabel Nutter was accused of conceiving a child by illicit coitus, to which she confessed, but on further examination she refused to name the father. She was again questioned by ‘Dominus Commissarius, videlicet Magister Laurencius Forrest,’ who made her swear a ‘corporal oath,’ on the holy gospels of God, to faithfully respond, then she was examined again by the judge and jury, after which she confessed that it was Richard Holdene.<sup>1004</sup> Fear of future judgement seems to have forced the conscience of Isabel; this it would seem did not always work.

Having considered the instances where the male in a fornication case is not named it is worth noting two instances where only the male is named. In the first case the woman has escaped mention because she has died; the man, being alive, was still in need of

<sup>1000</sup> It is 2.72 regarding cases without a child and 3.10 is the overall figure.

<sup>1001</sup> A man may sue for libel if a woman could not substantiate a claim with witnesses.

<sup>1002</sup> Legal proceeding were available to make the father provide for his child, however these proceeding could be protracted, good will always being swifter than compulsion.

<sup>1003</sup> *Act Book of Whalley*, ed. Cooke, 163-5

<sup>1004</sup> *Act Book of Whalley*, ed. Cooke, 163-4. ‘De tempore nativitatis prolis, dicit quod nata erat circiter quindenam ante festum Purificacionis ultimum et ulterius tractatu habito, dictus Holdene alligavit ipsam diu fuisse inhoneste conversacionis cum diversis aliis. Et statim dictus Holdene asservit se consentire in prolem, casu quo ipsa affirmaverit ipsum esse patrem eiusdem Juramento suo, cum aliis mulieribus ad corroborandum huiusmodi Juramentum per dominum commissarium assignandis. Et dominis assignavit sibi sic jurare cum quarta manu honestarum mulierum, vicinarum suarum etc.’ *Act Book of Whalley*, ed. Cooke, 164

correction.<sup>1005</sup> The arguments about the 'double standard' in the medieval courts put forward by Karras seems not to hold good for our data. It has a major weakness, namely that men, in both cases of fornication and adultery do not escape the heavy hand of the law. So far as Whalley is concerned it would be inaccurate to say that, 'Even if standards of sexual morality were the same for both sexes, men could much more easily flout them without risking punishment or opprobrium;'<sup>1006</sup> men quite clearly did face punishment for sexual offences and regularly. Adulterous husbands make up almost ninety percent of those prosecuted and in almost eighty percent of fornication cases men were prosecuted with their women.

Karras claims that 'the author (of *Dives and Pauper*) here recognizes both the existence of the double standard and its enforcement in the courts. Men are punished less for adultery than women because they testify on each other's behalf and cover up for each other, not because they are less guilty.'<sup>1007</sup> This does not fit the above facts for Whalley.<sup>1008</sup>

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<sup>1005</sup> 'quod Robertus Swynleherst procreavit prolem ex quadam, nunc mortua.' *Act Book of Whalley*, ed. Cooke, 177. The other, "Joacobus Fentone inpregnavit quandam exteram de parochia de Bure." *Act Book of Whalley*, ed. Cooke, 23

<sup>1006</sup> R. M. Karras, "Two Models, Two Standards: Moral Teaching and Sexual Mores," in *Bodies and Disciplines: Intersections of literature and history in fifteenth-century England*, ed. B. A. Hanawalt and D. Wallace (London: University of Minnesota Press, 1996), 123

<sup>1007</sup> Karras, "Two Models, Two Standards", 130

<sup>1008</sup> It is beyond the scope of this study to discover if this point holds for other courts and prosecution of fornication in church courts more generally. Karras talks about the courts generally. It appears from the article that she is primarily referring to church courts, with only a brief mention being made of manorial courts. If her article was adjusted to see manorial courts being biased towards men, while the church court operated more harshly towards men, then this would fit Judith Bennett's thesis. Because for my comment regarding jurors I have issue with Bennett's thesis and believe there is better answer to the reasons behind the prosecution of Leyrwite. This is not the place for that discussion.

When one looks at the evidence of penances imposed for fornication this point is further strengthened. There was no major difference between the treatment of men and women. Certainly when both are mentioned together you do occasionally get mixed responses, however these are far from gender biased. In seven cases where we have the details of both the penance for the man and the woman together; four times the penances are identical, twice the woman receives a lesser penance<sup>1009</sup> and once the woman receives a different penance.<sup>1010</sup> Both men and women are made to process round the churches for up to four days. Women were made to take part in processional penance for an average of 2.33 days, men had to do this for an average of 2.63 days. We have already seen that men were on average made to pay  $\frac{1}{2}$  d more for the candles in their penances. It seems abundantly clear that on average men were punished slightly more severely than women.

With regard to the double standard in the minds of the laity one more point must be made. Karras argues that men's sexual transgressions were treated, by the courts and by society, as less significant than women's, even suggesting that a competing model of behaviour existed which said that they were not even in the wrong.<sup>1011</sup> The Whalley court may not be the basis for generalisation about official attitudes, but it certainly does show the attitude of one Cistercian court. It may be that the Cistercian judges, who had taken vows of celibacy and who lived under the monastic rule, had a less tolerant view of men's failure to observe the church's sexual regulations.<sup>1012</sup> It also must be remembered

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<sup>1009</sup> One of these two gives penance over one day rather than two; while the other gives a different financial penalty with the other details being identical. This varying financial penalty is in the case where the woman is referred to as a vagabond which seems to explain why she would need to pay less.

<sup>1010</sup> The difference is that the man pays a fee as well and thus has to process round the church one less day.

<sup>1011</sup> Karras, "Two Models, Two Standards", 131

<sup>1012</sup> For a similar argument regarding celibate clergy and the indissolubility of marriage see D. L. d'Avray, *Medieval Marriage: Symbolism and Society* (Oxford: Oxford University Press, 2005), 204-5

that the justice handed out by the local church court was justice based upon the jurors (or witnesses), namely the local people. The courts reflected society; if society did not perceive an offence then the offence could not be prosecuted by the court system.<sup>1013</sup> One thinks today of society liberalising the laws on cannabis use, because of social acceptability and the general view which held it was not 'wrong', and government and the law following suit. Jurors, many of whom had actually committed or been accused of sexual offences, continued to prosecute a large number of men for these sexual offences.<sup>1014</sup> This section does not eliminate the possibility on some other re-formulation that there were varying sexual standards, but it shows that both society and the courts saw both parties committing an offence which they needed correcting for. People inherently knew what was wrong and right, even when practice varied from this.

Another interesting case which can be followed through the Act Book is the case of fornication brought against John Hanson and Margaret Fletcher. They were living together and John had got Margaret pregnant.<sup>1015</sup> John then went to court; it was explained that Margaret could not come to the court because she was ill. He submitted to penance and asserts it was his wish to make Margaret his wife. The date for penance was then set. The case was dropped a few months later when they had got married.<sup>1016</sup>

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<sup>1013</sup> This is born out by McIntosh, *Controlling Misbehavior*, 10

<sup>1014</sup> McSheffrey, "Jurors," 269

<sup>1015</sup> *Act Book of Whalley*, ed. Cooke, 163

<sup>1016</sup> 'Super actu comparicionis notantur de procreacione prolis adinvicem. Quibus publice preconizatis, comparuit personaliter dictus Johannes Hansone, et fatetur articulum. Et excusavit dictam Fletcher infirmam adhuc non purificatam etc. et submisit se penitencie ac asserit seipsum velle ducere eandem in vxorem suam; quam ob rem dictus Commissarius [eum monuit] de comparendo coram eo aliquo die citra festum Nativitatis Sancti Johannis Baptiste proximum ad audiendum penitencias sibi iniungendas arbitrio suo pro crimine predicto etc. et vltorius idem Hansone promisit inducere dictam Margaretam eodem die ad respondendum premissis et recepiendum consimiles penitencias.' *Act Book of Whalley*, ed. Cooke, 165. 'Hansone habet ad certificandum de penitenciis. Et Fletcher habet istum diem ad comparendum ad



Here the court operated as both a heavy handed judge and as the marriage broker by which the practical application of church policy by these Cistercian monks was facilitated. This case reminds us that the church's teaching on marriage was not as universally accepted as some might suggest,<sup>1017</sup> as the records also suggest with regard to concubinage. It is a fact that laws do not change people. The Church could legislate and preach on marriage but people could for a number of reasons<sup>1018</sup> choose to do things differently however clear and widely the message was disseminated, in this case cohabiting and having a child out of wedlock. The monks who ran the Whalley court wished to see those informal and therefore sinful unions converted into solemnised marriages; in this case the church's judicial systems achieved what its teaching had failed to do and led to repentance, a change of direction, manifested here in a legitimate marriage.

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audiendum penitencias sibi iniungi, pro eo quod habuit prolem cum dicto Hansone ex illicito coitu etc. Quibus preconizatis et non comparentibus, dominus ad convincendum eorum maliciam continuavit huiusmodi causam in eodem statu quo nunc est usque in proximum capitulum etc. et decrevit eos de nouo citandos etc. maritati sunt et dimissi.' *Act Book of Whalley*, ed. Cooke, 170

<sup>1017</sup> Karras, "Two Models, Two Standards", 124

<sup>1018</sup> Brundage, *Law, sex*, 297

## ‘Lenocinium’

The role of rumour and accusation appears to have been relatively minor in the prosecution of these cases, compared to hard physical evidence. Still there was a place for others, specifically parents, being prosecuted, if they were aware that an individual had committed such an offence and not reported it or if they had facilitated the offence. The word that is often used in these circumstances is ‘lenocinium.’ Lewis and Short give ‘the trade of a pander, pimping, pandering.’<sup>1019</sup> ‘Pandering (lenocinium) consisted in fostering and facilitating the practice of prostitution by providing housing for prostitutes, managing their business matters, or soliciting clients for them.’<sup>1020</sup> The word is unhelpfully ambiguous; it has the potential to refer to a husband who allows his wife to whore herself and to a person running a brothel.<sup>1021</sup> In the Act Book of Whalley the word appears to

<sup>1019</sup> A Latin Dictionary: Lewis and Short, ed. C. T. Lewis (Oxford: Clarendon Press, 1998), 1050. Latham Revised Medieval Latin Word-List (Oxford: Oxford University Press, 1980) has no entry. Souther also does not have it but has similar words. “Leno” is given either as “meretricious” or be a “pimp.” “Lenocinater” is translated as “meretriciously.” “Lenocinator” is “one who obtains something by flattery.” A “Lenocinor” is a “prostitute.” A Glossary of Later Latin to 600 A.D., ed. A. Souter (Oxford: Clarendon Press, 1949), 229. Sleumer gives “Kuppelei” (pandering, match-making), “Lockmittel” (bait, lure, inducement), “Schmeichelei” (flattery, coaxing). Kirchenlateinisches Wörterbuch, ed. A. Sleumer (Limburg a.d. Lahn : Steffen, 1926), 469. Finally Stelten gives “pandering, pimping, traffic in vice.” Dictionary of Ecclesiastical Latin, ed. L.F. Stelten (Peabody, Massachusetts: Hendrickson, 1995), 149

<sup>1020</sup> Brundage, Law, sex, 45

<sup>1021</sup> Poos puts ‘harbouring, fostering, enabling illicit sexual activity (“fovet lenocinium etc”)’ together. Lenocinium never appears in the records for the dean and chapter of Lincoln. In contrast it appears twelve times out of the twenty three references for the Deanery of Wisbech which makes it into the above category in the index. The Courts of the Dean and Chapter of Lincoln and the Deanery of Wisbech, ed. Poos, 686. References to lenocinium are 277, 357, 364, 385, 475, 477, 501, 509, 510, 533, 536, and 549. ‘By “harboring” I mean knowingly permitting sexual activity between unmarried persons to occur within an area under the control of the person charged with the offence, typically the person’s house.... Of the offence of harbouring, there were many possible degrees... running from operating a house of prostitution at the one end to simple failure to supervise young people adequately at the other.’ R. H. Helmholz, “Haboring Sexual offenders: Ecclesiastical courts and controlling misbehavior,” Journal of British Studies, 37 (1998), 258-9. This is lenocinium. The word could be used regarding brothels. R. M. Karras, “The Regulation of Brothels in Later Medieval England,” Signs, 14 (1989). However the majority were not. R. M. Karras, “The Latin Vocabulary of Illicit Sex in English Ecclesiastical Court Records,” Journal of Medieval Latin, 2 (1990). Here Helmholz uses the word prostitution making note of wives and daughters being the subject of the charge. Helmholz, “Haboring Sexual offenders,” 261

convey the meaning of encouraging illicit sex by tolerating it and providing a base for it. In all but one case it appears that the accused are parents who permitted the offence to take place under their roofs.<sup>1022</sup> When 'lenocinium' is used parents were almost always charged.<sup>1023</sup> The sole time it appears in regard to a case of adultery shows parental guilt.<sup>1024</sup> In the case of William Marcroft it would seem sensible to assume he was the father of Alice, however this is speculation.<sup>1025</sup> The only case that does not refer to parents is that of John Whip.<sup>1026</sup> It may be worth noting here that the identity of the father is unknown. There is too little evidence to know if this is significant or simply coincidence. It seems accurate to say 'lenocinium' is just another way of referring to parental consent.

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<sup>1022</sup> When parental complicity is suspected the court records reads, 'Jacobus Fentone inpregnavit quandam exteram de parochia de Bure, et Nicholaus pater predicti Jacobi scienter fouebat eos in domo sua. [Jacobus] fatetur delictum, et submisit se penitencie; [Nicholaus] dimittitur.' Act Book of Whalley, ed. Cooke, 23. Or, 'Item presentant quod Willelmus Asshworth et vxor eius continue custodiunt predictos Johannam et Robertum suspiciose in domo sua.' Act Book of Whalley, ed. Cooke, 108. And finally three cases appear saying "de quo patre noscitur," "sed pater ignoratur," and "at quis sit eius pater non constat." Act Book of Whalley, ed. Cooke, 163

<sup>1023</sup> 'presentant Robertum Spensour pro lenicinio, videlicet quod habuit duas filias, Johannam et Margeriam, que viciose in domo sua vixerunt et proles suscitarent cum quibus nescitur.' Act Book of Whalley, ed. Cooke, 112

<sup>1024</sup> 'Thomas Taylor, pater predictae Margarete, scienter fouet inter eosdem lenocinium eos temporibus incongruis receptando.' Act Book of Whalley, ed. Cooke, 12

<sup>1025</sup> 'Item presentant Aliciam Marcrofte pro prole genita cum Roberto Strete extra. Item dicunt quod Willelmus Marcrofte tenet domum lenocinii.' Act Book of Whalley, ed. Cooke, 113

<sup>1026</sup> 'Dicunt quod Johannes Whypp de Lawer Heygham fovebat lenicinium in domo sua custodiendo quandam Elizabetham Hyggyne in domo sua jacentem in puerperio et ante et postea; sed ignorant quis sit pater prolis.' Act Book of Whalley, ed. Cooke, 187. Whip is also cited again for the same crime. 'Notatur quod fovebat lenocinium in domo sua ut in detectionibus vltime visitacionis etc. super actu comparicionis.' Act Book of Whalley, ed. Cooke, 193

## Conclusions

As with other lower ecclesiastical court fornication and adultery made up the core of proceedings. We have seen that there is no evidence to support the view that women were treated more harshly by the court than men. In fact we have seen for both offences that men on average received more severe punishments. The individual circumstances of each case and the level of penitence was more important than the gender of the offender. The details of the investigations that would have taken place in order for a suitable penance to be assigned have not survived. It was the prior who judged this evidence bringing him into direct contact with the intricate details of the daily lives of the laity, as they pleaded for leniency and sought to show sincere contrition. The most common penance, taking part in a procession to the church, would have involved those monks who ran parish churches in the punishment as well as the sentencing. The Cistercian community at Whalley interacted with the laity; deciding their punishments and overseeing them.

## **Part 3: Whalley Abbey**

### **Chapter 7: Marriage Cases**

#### **Introduction**

In the previous chapter we investigated the sorts of offences which would have come before Cistercians as a result of the privilege of Alexander IV. In this chapter we shall consider how the Whalley court dealt with marriage cases. This is particularly interesting because the right to handle these cases was not granted within a papal privilege, at least not one which survives. This appears to be exceptional among English Cistercians. Whether other English Cistercians exercised similar rights and jurisdictions is unknown. The evidence for how this particular court came to be run by the monks of Whalley suggests that the privilege of Alexander IV played a role along with other contributing factors. This shows the evolution of Cistercian rights varied as a result of local factors.

This chapter breaks down into roughly two parts. The first considers problems that arose around the beginnings of marital relations. It looks at the problem of clandestine marriages, as well as claims that a marriage had been contracted or a promise of marriage broken. The second part deals with the breakdown of marriages and how these difficult situations were dealt with by the court and its Cistercian judge.

## Contracting a Clandestine Marriage

Clandestine marriage has historic links to fornication. While in theory a clandestine marriage was valid, the marriage being made by consent, the danger was that a union entered into clandestinely could be broken easily. The fear was that a man might secretly agree to marriage, sleep with the woman and then leave her for another woman whom he would then marry publicly. In this situation the first marriage would be difficult to prove. A clandestine marriage would also not allow the community to raise any impediments to the marriage. This would increase the likelihood that a marriage could be annulled later because of a prior impediment. Public marriage allowed the proclamation of banns and thus any objections to be raised.<sup>1027</sup> The Act Book has one instance of an objection being raised when the banns were being read. John Hanson was to marry Margaret Hartley. Joanna Hanson objected, saying that they were within the forbidden degrees of consanguinity. Six witnesses were then called to give evidence against this accusation.<sup>1028</sup>

<sup>1027</sup> In England banns had to be read three weeks before the marriage. This allowed objections, usually regarding consanguinity, prior contract, or the marriage of one of the parties (ie bigamy) to be raised. Hanawalt, *The Ties that Bound*, 198

<sup>1028</sup> 'Erga istum diem citata fuit Johanna Handson ad dicendam causam quare reclamavit banna matrimonialia Johannis Handson et Margarete Hertley. Comparuit prefata Johanna et dicit quod prefati Margareta et Johannes sunt adinvicem in quarto et iiiio<sup>10</sup> gradibus consanguinitatis coniuncti. Et dominus commissarius assignavit eidem Johanne Handson diem Mercurii proximum ad probandam consanguinitatem. Et Cristoferus Handson prestitit corporale juramentum ad soluendum expensa Curie casu quo non probauerit causam per prefatam Johannem allegatam sufficienter et legitime. Et ulterius venerunt coram Commissario Johannes Wylson, Jacobus Wilson, Henricus Walton de Bakne Howse, Henricus Walton de Mersdene et Johannes Hertley. Et prestiterunt et quilibet eorum prestitit corporale juramentum de dicendo veritatem quam noverit in causa ex consensu dicte Johanne Handson. Et dicunt quod dicti Margareta et Johannes non sunt in aliquo gradu consanguinitatis coniuncti.' *Act Book of Whalley*, ed. Cooke, 95-6. The Fourth Lateran Council spoke against those who maliciously propose an impediment but no prosecution for this was mentioned regarding this in the records. 'Si quis autem ad impediendum legitimam copulam malitiose impedimentum obiecerit, ecclesiasticam non effugiet ultionem.' *Decrees of the Ecumenical Councils*, ed. Tanner, vol. 1, 258

There are two clandestine marriage cases in the Whalley Act Book. The case of Agnes and William Houghton illustrate the above point well. They were cited to answer regarding their clandestine marriage. It then came to light that the parties were related within the forbidden degrees and further that they knew they were within the forbidden degrees and thus had proceeded with a clandestine marriage.<sup>1029</sup> Even at this point they were able to seek a dispensation to legitimise the union. The church was much more willing to keep couples together than to drive them apart.<sup>1030</sup>

The problems that arose from this case go some way to explain why the church objected to clandestine marriages and why James Roberts was prosecuted for celebrating a clandestine marriage.<sup>1031</sup> Rather than seeing attempts to clamp down on clandestine marriages as an effort by the church to control the lives of the laity it would be more

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<sup>1029</sup> The decree of Lateran IV makes specific reference to the reason for clandestine marriages being prohibited being to prevent marriages within the forbidden degrees. 'Cum inhibito copulae coniugalit sit in tribus ultimis gradibus revocata, eam in aliis volumus districte observari. Unde praedecessorum nostrorum inhaerendo vestigiis, clandestina coniungia penitus inhibemus, prohibentes etiam ne quis sacerdos talibus interesse praesumat.' *Decrees of the Ecumenical Councils*, ed. Tanner, vol. 1, 258

<sup>1030</sup> 'Ad hoc diem et locum legitime citati fuerunt Willelmus Hoghtone et Agnes, vxor sua, ad respondendum super clandestina desponsacione eorundem... Et quia adtunc et ibidem diuulgatum erat quod dicti Willelmus et Agnes sibi inuicem attingebant iii<sup>o</sup> et iiii<sup>o</sup> affinitatis gradibus, continuata erat materia ad interim ulterius inquirendum tam super clandestina desponsacione quam impedimento predicto, contrahendo usque ad crastinum ascencionis Domini. Quibus die et loco dicta Agnes personaliter comparens fatebatur se ex relacione fidedignorum et suorum aliorum consanguineorum cognoscere predictum affinitatis impedimentum eis obstare in pretensio matrimonio precontracto et effigiato... Quo die adveniente, predictus Henricus Hoghtone, proctor Willelmi, comparens, allegavit quod dictus Willelmus absens fuit animo et intencione obtinendi confirmationem Matrimonii predicti super impedimento predicto... Quo die predicta Agnes personaliter comparuit et peciit terminum ad deliberandum super responso suo an consensum vellet prebere matrimonio predicto et ad obtinendam confirmationem predictam. Et habet terminum ad denuo comparendum et interim ad interloquendum cum amicis suis super premissis et ad respondendum in crastino Sancte Marie Magdalene.' *Act Book of Whalley*, ed. Cooke, 67-8

<sup>1031</sup> 'Dominus Jacobus Robertez detectus super celebracione Clandestini matrimonii inter Carolum Kay et ...N... in nova Capella infra forestam de Rossendale, que nondum dedicata est. Negat factum. Et habet diem Lune proximum post festum Sancti Cedde ad se purgandum cum tribus presbiteris et tribus viris honestis et fidedignis de vicineto suo.' *Act Book of Whalley*, ed. Cooke, 52. Had he failed to purge himself he would have been suspended for three years. *Decrees of the Ecumenical Councils*, ed. Tanner, vol. 1, 258

helpful to view it in the context of the church's efforts to ensure equity and harmony in marriage cases. It can also be seen as part of an effort to cut down on annulments.



### Claims that a Legitimate Marriage had been Contracted

The same truth regarding clandestine marriages and the desire for the formal ecclesiastical processes to be followed can be seen in the affairs of Hugh Whitaker. Once again one sees that failure to follow the rules led inevitably to very serious long term consequences. Hugh is perhaps the most infamous character in the Whalley Act Book. He appears some twenty times. Two cases of women claiming to be the wife of a man are regarding Hugh. Hugh first appeared as one of the jurors,<sup>1032</sup> and then later he as a criminal. He produced children with both Margery Cronkeshaw and Katherine Boothman.<sup>1033</sup> He confessed to both these charges and accepted that he should perform penance for those offences.<sup>1034</sup> The following year he was again before the court because he had been fornicating with Margery Cronkshaw again.<sup>1035</sup>

As a result of this he was excommunicated for contumacy. Contumacy was the stubborn refusal to repent and submit to penance for a person's sins. The entire system of ecclesiastical jurisdiction was designed to turn the sinner from his errant practices and back to the ways of the Church. When faced with a stubborn refusal to do this over a prolonged period of time the church responded with its strongest weapon, excommunication.<sup>1036</sup>

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<sup>1032</sup> *Act Book of Whalley*, ed. Cooke, 129

<sup>1033</sup> *Act Book of Whalley*, ed. Cooke, 139

<sup>1034</sup> *Act Book of Whalley*, ed. Cooke, 140-1

<sup>1035</sup> 'Item dicunt quod Hugo Whytacre usus fuit conversacione ac, ut laborat fama, carnali copula cum Margaria Cronkshay a tempore ultime monicionis eisdem facte. Et quod fuerunt suspicione in lez barne matris Hugonis suspiciose.' *Act Book of Whalley*, ed. Cooke, 143.

<sup>1036</sup> For detail regarding excommunication see Logan, *Excommunication*, Vodola, *Excommunication*, R. Hill, "The Theory and Practice of Excommunication in Medieval England," *History*, 36, (1957), R. H. Helmholz, "Excommunication as a Legal Sanction: The Attitudes of the Medieval Canonists," in

His next appearance came when Katherine Boothman claimed to be his wife. She may have been taking advantage of his excommunication and his weakened legal position. The defences of an excommunicate were limited to factual defences related to the disputed issue; nor could they bring countersuits.<sup>1037</sup> This may explain why he finally confessed to fornicating with Margery Parker (alias Cronkshaw) and was assigned penance.<sup>1038</sup> Katherine claimed that she had been married to him legitimately through words of present consent, or at least with words of future consent at the betrothal which were followed by intercourse, thus making a valid marriage. Finally she pointed out that they had had a child together.<sup>1039</sup> He denied this; mention is then made of Margery Cronkshaw and he is warned not to marry her but to wait for the decision of the court.<sup>1040</sup>

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Helmholz, *Canon Law and the Law of England*. There is also a further comment on Hugh and his excommunication, 'officium contra Hugonem Whytacre: notatur quod usus fuit conversacione Margerie Cronkshay, ac etiam quod carnaliter cognouisset eandem a tempore ultime monicionis eisdem facte. Et quod fuerunt suspicione in lez barne matris Hugonis. Comparuit vir et negat jurare, et monitus est ad interessendum die Jovis post festum Penticostes sub pena excommunicacionis (ad dicendum causam), quare non debet excommunicari.' *Act Book of Whalley*, ed. Cooke, 148. 'te Hugonem Whytacre de Lawer Heygham jurisdictionis predictae, propter tuam manifestam contumaciam coram nobis contractam pro eo quod judicialiter monitus mandatis et monicionibus nostris tibi canonice factis obedire non curasti sed contumaciter neglexisti, excommunicamus et pro excommunicato canonice declarari decernimus in hiis scriptis.' *Act Book of Whalley*, ed. Cooke, 147

<sup>1037</sup> Vodola, *Excommunication*, 113

<sup>1038</sup> *Act Book of Whalley*, ed. Cooke, 153. Even here he dragged his feet, he was suspended from entry into church having failed to certify that he had performed penance. *Act Book of Whalley*, ed. Cooke, 156. Finally, the following year, he is recorded as having performed his penance. *Act Book of Whalley*, ed. Cooke, 169

<sup>1039</sup> 'dicta Katerina tunc et ibidem judicialiter peciit dictum Hugonem Whitacre sibi in virum et maritum suum legitimum adiudicari pro eo videlicet quod idem Hugo et Katerina matrimonium verum et legitimum per verba de presenti, seu saltem sponsalia per verba de futuro eorundem mutuum consensum hinc inde exprimencia, eciam carnali copula subsecuta, legitime contraxerunt in hec verba.' *Act Book of Whalley*, ed. Cooke, 152

<sup>1040</sup> 'Et statim dictus Hugo contestatus est litem negatiue ad huiusmodi petitionem, dicendo narrata prout narratur in eadem vera non esse et igitur petita prout petuntur fieri non debere etc. Et continuatur causa huiusmodi usque in proximum capitulum pro eo quod timetur de alio contactu cum quadam Margeria Cronkshay, alias Parker. Et monitus est quod non contrahat nec solemnizari faciat matrimonium cum aliqua muliere donec et quousque huiusmodi causa determinatur ac sit decisa sub pena juris.' *Act Book of Whalley*, ed. Cooke, 153

The following year all three individuals were drawn into court as the two matrimonial suits were to be heard and judged. With regard to Katherine he denied that they had been married; he denied promising to marry her but confessed that he was the father of her child.<sup>1041</sup> Katherine admitted that she had no witnesses and her marriage case failed.<sup>1042</sup>

The case regarding Katherine is concluded not with marriage but with Hugh being made to provide maintenance for their child up to the age of ten years, with the chaplain of Padiham transmitting the money.<sup>1043</sup> Had Katherine been able to prove the marriage, apart from anything else, her son would have gained inheritance rights. As it was all she was able to prove was paternity and thus all she was able to receive was child maintenance. Child support was a legal obligation according to canon law, regardless of whether the child was legitimate or not. In this one case we have clear specifics of what should be paid and when. This is the only time in the records of the Act Book that financial support

<sup>1041</sup> He had to deny being betrothed to her as intercourse after betrothal made a marriage.

<sup>1042</sup> 'Ad ulterius procedendum in causa matrimoniali lis contestata est negative etc. Et dominus oneravit ipsum juramento de fideliter respondendo certis articulis huiusmodi contractum concernentibus quo jurato et examinatus de communicacionibus matrimonii negat communicaciones et tractatus. Et interrogatus negat contractum similiter matrimoniale, negat eciam promissionem matrimonii, negat eciam famam laborare super premissis et fatetur solummodo procreacionem prolis et mulier se aliquos negat habere testes. Et dominus assignavit ad audiendum sentenciam et finale decretum in huiusmodi causa, in proximo capitulo Deo duce hic celebrando in die Jouis in festo Pasche proxime future, et moniti sunt etc.' *Act Book of Whalley*, ed. Cooke, 169. With regard to Margery Cronkshaw, Hugh absconds from court and is found to be contumacious and is suspended. 'Super actu comparicionis in causa matrimoniali partibus personaliter comparentibus, continuatur huiusmodi causa usque in horam ii<sup>am</sup> post meridiem istius diei et moniti sunt ad tunc interessendum qua hora adveniente ac partibus ipsis, actrice videlicet personaliter, rea vero nullo modo comparentibus, ipsoque publice preconizato diuciusque expectato et nullo modo comparente, ad petitionem dicte Marierie accusantis eius contumaciam etc. dominus Commissarius decreuit ipsum contumacem, et in pena contumacie sue huiusmodi ipsum ab ingressu ecclesie suspendidit in scriptis.' *Act Book of Whalley*, ed. Cooke, 169-170

<sup>1043</sup> 'In primis videlicet quod dictus Hugo Whitacre pro tempore preterito quo ipsa Kateria nutriuit huiusmodi prolem hucusque in presenti tempore, videlicet ad presens tempus, solveret et deliberaret ac fideliter solui et deliberari faceret domino Hugoni Hargrevys, capellano de Padeham, ad utilitatem dicte Katerine pro sustentacione prolis huiusmodi tres solidos et quatuor denarios, cum qua summa ipsa erit contenta usque in diem presentis laudi lati. Et quod tunc deinceps idem Hugo Whitacre soluat predicto capellano seu eius vicem gerenti singulis annis, quousque dictus puer pervenerit ad etatem decem annorum, sex solidos et octo denarios videlicet ad festa Nativitatis Domini et Nativitatis Sancti Johannis Baptiste, per equales porciones ad exhibicionem prolis sue predictae absque aliqua fraude et hoc sub pena periurii etc.' *Act Book of Whalley*, ed. Cooke, 171

for a child born out of wedlock is mentioned. It seems highly unlikely that every other case where an extra-marital child was produced simply saw financial support being given automatically. It seems strange that there were no occurrences in the court record of men being forced to make payments. When one looks at evidence from other courts a similar picture emerges. The Dean and Chapter Court of Lincoln, between 1336 and 1349, occasionally ordered separation between couples with provision for child support,<sup>1044</sup> however there appear to be only two references to the payment of child support as a result of extra-marital sex, compared to an extensive list of references to fornication and adultery.<sup>1045</sup> This situation does lead to the question: while canon law was equitable in theory, were law courts equitable in practice?<sup>1046</sup>

Johanna Nutter instituted a case against Alan Barcroft because she claimed that Alan had agreed to marry her and they had consummated the union. He had then left her so she was pursuing a reunion. Alice Stevenson gave testimony that they had been married and this was supported by other witnesses. It was confirmed in court that they had had sexual relations together and he had made her pregnant. Alice, the crucial witness gave evidence that the couple had exchanged consent. Alice was deemed not to be a corrupt witness, influenced neither by petitions, by love, hate nor fear. As a result of this the court found that they had agreed to marry.<sup>1047</sup>

<sup>1044</sup> The Courts of the Dean and Chapter of Lincoln and the Deanery of Wisbech, ed. Poos, xlix-l. 64, 93

<sup>1045</sup> The Courts of the Dean and Chapter of Lincoln and the Deanery of Wisbech, ed. Poos, 684-5

<sup>1046</sup> It also leads to one of the major problems with a record of this kind; how far is silence from the written record a proof that something did not happen in practice? There are no easy answers to this question.

<sup>1047</sup> Alice initially would not come to the court and give witness and was then formally summoned by the Commissary. Act Book of Whalley, ed. Cooke, 13. 'Et dicit quod dictus Alanus erat tunc innuptus: dicit eciam partes predictae inuicem communicabant de et super matrimonio pretenso in le Cowfold nuper Wyllelmi Wynder in dicto festo sancti Thome. Veraciter eciam deponit quod credit pro firmo et constanter quod ante dictum diem nunquam eam cognovit carnaliter. Sed dicit quod post communicationem predictam

## Breach of Promise

Two other times in the records of Whalley a marital suit is brought because a man is accused of having said he would marry a woman and then has refused to do so. The case between William Emmot and Elizabeth Hargreaves began with William's father being accused of not allowing them to solemnise the union. He cleared himself of this charge by the testimony of five witnesses.<sup>1048</sup> William Emmot was then summoned to defend himself because he had not married Elizabeth, as he was ordered to do.<sup>1049</sup> When William did appear before the court, he persisted in his refusal to marry Elizabeth, but would not specify why. This resulted in him being excommunicated.<sup>1050</sup> The resolution of the case is not noted; we know they were married as they were involved in a protracted divorce suit which began at least nine years later.<sup>1051</sup> The second case of this kind failed as the

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congnovit eam carnaliter et ex eo impregnate erat Dicit eciam quod dicta communicatio oriebatur ex propria mocione dicte Alicie et non ex motu parcium. Et hec erant verba que predicta Alicia proferebat videlicet: ye have drawene et commoned longe to geder and it wold seme wele yat ye were wedded after holy kyrk law. And ye said Alan answard and said: by my faith and it were tyne, I wold it were nothere done ne undone. And then she bad hym opon yat yeve hyr hys hand, et so he dyd. And then he desired the said Alicie to take the hand of the said Jenet. And the said Jenet gave unto hyre hyre hand saying: and by my faith I wold wedde hym if he wyll. Et hec communicatio erat in loco predicto parum ante noctem. Dicta Alicia non est corrupta prece neque precio aut aliter Ducta amore, odio seu timore. Et dicit quod est connexa parti ree in secundo gradu consanguinitatis.

Dicit eciam quod recitabat verba predicta seu eis similia et paris sensus in presencia Edmundi Nutter, Antonii Nutter, Christofer Nutter et Edmundi Stevensone. Et eciam credit quod fuerunt sibi inuicem coherentes sub proposito nubendi.' *Act Book of Whalley*, ed. Cooke, 14-5

<sup>1048</sup> *Act Book of Whalley*, ed. Cooke, 3

<sup>1049</sup> 'eiusdem commissarii infra dictum monasterium monuit perremtorie et personaliter tunc ibidem presentem Wylllelmum Emmotes ad comparendum ad tunc in crastino die coram eo in ecclesia parrochiali de Wallay, ad dicendum causam si quam habet saltem rationabilem quare non debet excommunicari pro eo, videlicet quod non obedivit monicioni iudicis dummodo iudex monuit eum solemnizare matrimonium cum quadam Elezabetha Hargrevys juxta tenorem cuiusdam sententie diffinitive inter eosdem per eundem commissarium prius latam, quo die, videlicet xvii die mensis augusti, iudice in ecclesia predicta sedente non comparuit Wylllelmus Emmotes.' *Act Book of Whalley*, ed. Cooke, 5-6

<sup>1050</sup> 'Quo preconizato, comparuit personaliter: nullam causam allegavit nec contentabatur ipsam Elizabetham ducere: quare iudex ad petitionem domini Johannis decrevit ulteriorem aggravationem contra eundem Wylllelmum et ipsum excommunicatum puplicari eciam cum omni solemnitate juris viz, et cetera.' *Act Book of Whalley*, ed. Cooke, 6

<sup>1051</sup> This is an excellent example of where an initial silence from the record is resolved by a later piece of factual information.

plaintiff could not produce witnesses to back up her claims, just as the earlier case of Katherine Boothman had failed.<sup>1052</sup>

In all the above cases women were pursuing men. Each woman claimed that the man had agreed to marry her. What made or broke each case was the presence of reliable witnesses. In two of the cases witnesses were found and in two they were not; no witness meant no case. This is in line with Helmholz who said, 'In English practice, actual proof in marriage cases was almost always by witnesses. Documents were rarely introduced.'<sup>1053</sup> In two cases children were produced, one where the verdict went with the woman and one where it went against her. The production of a child simply proved intercourse, nothing more, nothing less.<sup>1054</sup> This is again in line with the findings of Helmholz. Helmholz does suggest that logically the production of a child must have influenced the judge's decision however he gives no evidence for this other than plain reasoning. What evidence there is for Whalley would tend to suggest no such correlation. This said there is not enough evidence to build a firm case.

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<sup>1052</sup> 'Quo die videlicet die Lune primo die mensis Septembris comparuerunt partes predictae personaliter et mulier nullo teste producta in causa matrimoniali Renunciavit ulterioribus probacionibus; et idem Wyllelmus peciit conclusionem in causa et iudex conclusit cum parte concludente in presencia dicte Elene concludere Recusantis.' *Act Book of Whalley*, ed. Cooke, 83-4

<sup>1053</sup> R. H. Helmholz, *Marriage Litigation in Medieval England* (Cambridge: Cambridge University Press, 1974), 127

<sup>1054</sup> Helmholz, *Marriage Litigation*, 132

### Marital Separation: Without Ecclesiastical Consent

There were two forms of separation; separation 'a mensa et thoro,' which allowed no rights of remarriage, and annulment, which did permit remarriage. Canonists and courts repeatedly stressed that neither separation could take place without the formal consent of the Church; this was not easy to apply.<sup>1055</sup> Those who separated without ecclesiastical permission were to be brought before the courts, to be reconciled and were to resume married life; those who would not return to each other willingly in theory were forced to do so.<sup>1056</sup> Cases of marital separation without ecclesiastical consent arose ten times in the Act Book of Whalley, compared to the eight annulment cases and five marital separation cases which were brought to the court.<sup>1057</sup> There appears a divergence between what the church taught and stipulated and what a section of the populace believed and practised. The evidence from Whalley suggests that the theory of forced reconciliation clashed with the reality. The court appeared to do its best to bring the couple together but seems to have accepted its impotence. While God had brought the union together and thus no man should tear it apart, the church seems to have realised it could not glue the union back together either. On the one hand the courts acted to bring cases and to judge them, trying to enforce official ecclesiastical moral policy. On the other they acted as counsellors, who rarely forced a solution when faced with a brick wall of opposition. In cases of separation we have here marriage counsellors with institutional authority, who acted almost always thinking of equity and compassion rather than compulsion. The court distinguished

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<sup>1055</sup> Brundage, *Law, Sex*, 453

<sup>1056</sup> Brundage, *Law, Sex*, 289

<sup>1057</sup> Three of the marital separation cases become annulment cases. Finally one case is unclear to me but was a 'divorcium' case. In total there were eleven 'divorcium' cases.

between these rule breakers, in unfortunate and unhappy situations, and the 'public sinners' who were caught committing acts of fornication and adultery; to one they operated as counsellor, to the other judge and moral enforcer.

Of the ten cases five appear but make no mention of a positive resolution or simply refer to the matter being dismissed. The case of Otwell Howorth and his wife Marion is an example of this.<sup>1058</sup> Another two cases end in an unclear way. The case of John Watson, alias John North, and his wife Sibell, did not come to a conclusion in the records of the Act Book. John, who had earlier been prosecuted for adultery with Johanna Emmott and had submitted to correction then,<sup>1059</sup> was later brought before the court because he had expelled his wife and taken a certain Johanna Smith into his home.<sup>1060</sup> Sibell pressed for the restoration of the marriage,<sup>1061</sup> John North was ordered to expel Johanna Smith on pain of excommunication, but no positive resolution of the marriage was recorded. It might be sensible to assume that, as there is no further record of either the marital suit or the excommunication, the marital case ended with a reunion of John and Isabel North, but this would be speculative.

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<sup>1058</sup> 'Otyvelus Haworth et Mariona vivunt separatim contra iura matrimonii et coniugii. Compromittitur in certos arbitros tres nominandos, per consensum eiusdem Otyweli et dicte Marione, et sub spe concordie continuatur usque ad proximam Curiam; super nova monicione. Non soluit sed dimissus.' *Act Book of Whalley*, ed. Cooke, 23. The other cases were *Act Book of Whalley*, ed. Cooke, 129, 134 (in this case, that between Richard and Emma Cronkshaw, Emma then goes on to commit adultery. There is no mention of the couple either coming together or receiving a legitimate divorce. Next case *Act Book of Whalley*, ed. Cooke, 197 and 202. There is also the case of William Shore and Marion. *Act Book of Whalley*, ed. Cooke, 187 and 194

<sup>1059</sup> 'Johannes Northe, alias Watson, de Trawden, vxoratus, prolem procreavit de Johana Emmott, filia Johannis Emmott de Wicoler. Fatetur articulum et submitit se correccioni.' *Act Book of Whalley*, ed. Cooke, 54

<sup>1060</sup> 'Item dicunt quod Johannes Watson, alias Northe expulsi Sibellam, vxorem suam legitimam, a domo sua et custodit quandam Johannam Smyth secum in domo sua in amplexibus adulterinis suspiciose in perniciosum exemplum aliorum vicinorum suorum.' *Act Book of Whalley*, ed. Cooke, 187.

<sup>1061</sup> 'Super actu comparicionis in causa restitutionis obsequiorum coniugalium.' *Act Book of Whalley*, ed. Cooke, 191



The other case to end unclearly was that between Thomas and Elizabeth Verley. The case ends with an agreement concerning land rights; nothing is specified regarding the marriage itself.<sup>1062</sup> The case is unclear. They had first been cited because they were not living together despite the fact that the marriage had been solemnised and consummated.<sup>1063</sup> Thomas gave land over into the hands of a group of people to administer, which included himself. Thomas and Elizabeth both had use of the land. The possibility of them getting back together and having children was left open. What is clear is that the couple were not forced back together; the court recognised its impotence; the couple had the power.

Only one case saw a reunion enforced with the threat of excommunication, should the couple resist. In the case between Nicholas Stevenson and his wife Grace the fact that they were not cohabiting came before the court both in 1529 and in 1530.<sup>1064</sup> The court, having born with the couple for two years called them again, this time warned them both

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<sup>1062</sup> 'Super actu comparicionis. Notantur quod, non obstante quod matrimonium inter eos est solemnizatum, vivunt separatim. Quibus comparentibus in iudicio convenerunt inter se judicialiter quod ipse Thomas faciet Johannem Hertley, filium Jacobi Harteley de Barley, Thomam Verley, filium Roberti Verley de Whyttall boythe, Richardum Verley, filium Petri Verley de Barley predicta et Jacobum Roynsone, filium Willelmi Robynsone, feoffatores in omnibus terris suis infra forestam de Penhull ad usum dictorum Thome Vereley et Elizabeth uxoris sue ad terminum vite dicti Thome et dicte Elizabeth et diutius viventis eorundem, ac ad usum filiorum et filiarum suorum si quos procreaverint et propter defectum filiorum et filiarum eorum ad usum edificationis, reparacionis, sustenacionis et maintenacionis nove capelle beate Marie in Penhull et necessariorum eiusdem ad usum sustenacionis divinatorum in eadem celebrandorum et sub hac condicione dicta Elizabetha promisit se de.' *Act Book of Whalley*, ed. Cooke, 157-8

<sup>1063</sup> *Act Book of Whalley*, ed. Cooke, 142. One thing that may be worthy of note is that Thomas' son is to deal with his father's will. 'Richardus Verley, filius Thome Verley, juratus est de fideliter administrando ultimam voluntatem dicti Thome, patris sui defuncti.' *Act Book of Whalley*, ed. Cooke, 151. 'Super actu comparicionis notantur quod non obstante quod matrimonium [inter] eos est solemnizatum et consummatum, vivunt separatim etc.' *Act Book of Whalley*, ed. Cooke, 154

<sup>1064</sup> 'Item dicunt quod Nicholaus Stevenson et eius uxor simul non cohabitant.' *Act Book of Whalley*, ed. Cooke, 123. Also on *Act Book of Whalley*, ed. Cooke, 130.

individually that if they did not return to life together they would both be excommunicated.<sup>1065</sup>

When no legitimate reason could be found for a separation the court was willing to deploy a strong hand. One has to wonder if common sense and an assessment of the temperaments of the individuals involved took place; it may well have been the case in this instance that the court felt that the couple would positively respond to the threat of excommunication and reunite.

Finally the courts did declare legitimate the separation which the couple, or one half of the couple, had unofficially imposed. In the case between George Grimshaw and Lucy Parker, which we have looked at earlier in regard to adultery, George was cited to appear before the court because he was not cohabiting with his wife, and in fact had even had a child by another woman. This case ultimately ended in the marriage being declared void as it was not 'de iure,' although the reason for the annulment is not cited in the records.<sup>1066</sup>

Christopher Robinson and Agnes Hertley were also living separately and had returned to their parental homes.<sup>1067</sup> Agnes brought a suit against Christopher for desertion. The

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<sup>1065</sup> 'Isto die comparuit Nicholaus Stevensone et dominus Commissarius monuit ipsum ad recepiendum Graciam Hargrevys, alias Stevensone, vxorem suam personaliter presentem, quam inconsulte dimisit et ad cohabitandum cum eadem ac alia obsequia coniugalia reddendum etc. citra festum Sancti Georgii proximum futurum sub pena excommunicationis. Monuit eciam dictam Graciam ad eundem et cohabitandum cum eodem etc. sub pena eciam excommunicationis, alioquin ad comparendum die Jouis in septimana Pentecostes seipsos excommunicari visuri et audituri.' *Act Book of Whalley*, ed. Cooke, 141

<sup>1066</sup> *Act Book of Whalley*, ed. Cooke, 123, 127-8.

<sup>1067</sup> 'Dicunt quod Cristoferus Robynson de Overbarowforth et Agneta vxor sua separatim vivunt; dictus Cristoferus cum Jacobo patre suo, Jacobo Robynsone, et dicta Agnes cum Petro Hertley, patre suo.

grounds for separation were fear of death; the separation was allowed to continue until such time as they both returned to each other in conjugal love; while the issue of Agnes' dowry is committed to arbitrators.<sup>1068</sup> It was clearly stated that the court was not prepared to force a reunion where it could clearly not work in practice or here would be dangerous to one of the parties. Violence was grounds for separation 'a mensa et thoro' but not for an annulment. The case reappears when Christopher asserted, and called witnesses to the effect that, the couple were within the forbidden degrees of consanguinity.<sup>1069</sup> The annulment was then given after Christopher had paid his former wife a sum of money.<sup>1070</sup>

In this case four points arise. Firstly the separation occurred and the court did not force the union back together, but neither did it initially break the union. In fact it went out of its way to leave the door open for the couple to come back together in the future.

Secondly, the union was annulled because of consanguinity. Thirdly, it was Christopher who initiated the proceedings to have the marriage annulled due to consanguinity.

Finally, the time frame of the separation is worth considering. The separation was

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Continuatur ut nunc usque ad proximam Curiam. Memorandum de iniunctione facta.' Act Book of Whalley, ed. Cooke, 44-5

<sup>1068</sup> 'Decretum est per Iudicem Commissarium predictum dictas partes abinucem separari a mensa et thoro usque ad tempus quod continget ipsos ex libero eorum arbitrio sibi invicem mutuo amore coniugali adherere.' Act Book of Whalley, ed. Cooke, 61-2.

<sup>1069</sup> 'Cristoferus Robynson... allegans et dicens quod, licet idem Cristoferus cum quadam Agnete Hertley matrimonium per verba de presenti eorum mutuum consensum exprimencia contraxerit et illud in facie ecclesie solemnizaverit ac per carnalem copulam consummaverit, illud tamen matrimonium de iure, ut dicit subsistere non potest neque debet quouismodo, pro eo videlicet et ex eo quod iidem Cristoferus et Agnes tercio et quarto gradibus consanguinitatis adinvicem sunt coniuncti consanguinii quod ut dicit est publicum verum notorium et manifestum unde petit idem Cristoferus ipsos Cristoferum et Agnetem abinvicem divorciari et huiusmodi matrimonium inter eos ut premititur de facto contractum solemnizatum et consummatum cassari irritari et annullari viribusque juris caruisse et carere debere ulteriusque sibi fieri quod iustum fuerit etc in presencia Cristoferi Hertley fratris et procuratoris ut asservit dicte Agnetis respondentis ad dictam petitionem negative respondentis et expresse negantis consanguinitatem prentensam animo litem contestandi ad eandem petitionem et statim dictus Cristoferus Robynson produxit Johannem Hertley... in testes, quos peciit jurari admitti et examinari et iudex oneravit eos juramento tactis etc de fideliter etc in presencia dicti Cristoferi Hertley protestantis de dicendo etc. admisit eos in testes et monuit eos ne recedant ante examen et iudex assignavit Robynson petenti diem Lune proximum ad producendum alios testes si voluerit.' Act Book of Whalley, ed. Cooke, 94-5

<sup>1070</sup> Act Book of Whalley, ed. Cooke, 146

allowed in 1518. Christopher tried to gain an annulment on grounds of consanguinity in 1524 and this was only granted in 1532. One can see here that the court was in no rush to grant Christopher his will, only after eight years was the annulment granted. One has the feeling that the court hoped the union would be restored and delayed proceeding out of a desire not to see a consummated union broken.

## Marital Separation: Annulments: Marriage within the Forbidden Degrees

Annulments were granted on grounds of consanguinity, of diminished consent, of or impotence.<sup>1071</sup> In the Whalley Act Book eight annulment cases arise.<sup>1072</sup> In four cases consanguinity was the factor cited, in three diminished consent and in one case the grounds are unclear. In contrast no reference is made to precontract or impotence as a basis for an annulment.<sup>1073</sup> When one considers the number of annulment cases which arise in the Act Book of Whalley and compares this with the number of cases which make reference to forbidden degrees, far from viewing the issue as minor,<sup>1074</sup> it takes up a substantial proportion of these cases. Consanguinity arises eight times in the Whalley Act Book and there are eight annulment suits (four of which are from the eight cases of consanguinity). In the four cases initiated by the court the resolution was unclear. Often the couples were told that they must either separate permanently or seek a dispensation. In the four consanguinity annulment suits the annulments were all definitely given. We saw earlier that Christopher Robinson finally secured an annulment on grounds of consanguinity. Christopher initiated the proceeding to get the annulment.<sup>1075</sup> One of the

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<sup>1071</sup> Brundage, Law, Sex, 510-4

<sup>1072</sup> Act Book of Whalley, ed. Cooke, 28-44, 127-8, 136-7, 145-6 (due to nearness of kin), 155 (ref twice on the page) (case decided, 158), 181-2 (mentions libel) (same case resolved, 183) (same case again, 188-9). Nb there is one more case of divorce, 69-70 and 100-5. I have no idea why the divorce was requested or granted.

<sup>1073</sup> This is interesting when one views Charles Donahue's finding that sees precontract as the most regular cause of annulment. Precontract does not appear in the Act Book of Whalley as a cause for annulment. For example when one looks at York in the fourteenth and fifteenth centuries annulments are granted due to precontract ten times; consanguinity six times and impotence six times. C. Donahue, Law, Marriage, and Society in the Later Middle Ages (Cambridge: Cambridge University Press, 2007), 71 (Texts and Commentary no. 108 see [www.cambridge.org/9780521877282](http://www.cambridge.org/9780521877282)). 'All other issues pale in comparison with the defense or claim of precontract.' Donahue, Law, Marriage, 72.

<sup>1074</sup> The evidence of Whalley speaks against Brundage. Brundage, Law, Sex, 454

<sup>1075</sup> Act Book of Whalley, ed. Cooke, 49

cases of clandestine marriage involved consanguinity, although in that case the couple was given the option to pursue a dispensation.<sup>1076</sup>

In the Act Book we again see a massive variety in the quantity of detail. The first case of consanguinity that comes to our attention is unhelpfully brief. William Taylor and his wife were married within the prohibited degrees and lived separately.<sup>1077</sup> Nothing further appears about them in the records. The above seems more of a statement of fact than a charge or accusation. Having married within the prohibited degrees their marriage was invalid. What is unclear here is if they have separated of their own choice or as a result of a court order.

The next case saw the court bringing a case against Mathew Parker and Agnes Sourbuttes because they had married within the prohibited degrees. The evidence for this charge was ‘fama publica.’<sup>1078</sup> The court finds seven witnesses to trace out the family lines of connection. Jacob Overende and Agnes, the wife of John Parker, were brother and sister. Jacob had a son called George, who had a daughter called Alice, who had a daughter called Agnes. The aforementioned Cecilia (who must be the Agnes married to John Parker) has a son, Jacob Parker, who has a son Matthew. Thus the couple were related in the third and fourth grade of consanguinity.<sup>1079</sup> Thus the court ordered that the couple

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<sup>1076</sup> Agnes and William Houghton. In this case it was the court and not the couple that raised the issue of consanguinity. *Act Book of Whalley*, ed. Cooke, 32

<sup>1077</sup> ‘Willelmus Taylour et uxor sua coniuncti sunt matrimonio infra gradus prohibitos et separatim vivunt.’ *Act Book of Whalley*, ed. Cooke, 22

<sup>1078</sup> ‘Quia, fama publica referente, nostras iam nuper pervenit ad aures quod Machutus, alias Matheus Parker, de Lyekhurst in Bowland nostre jurisdictionis illegittime duxit in vxorem Agnetem Sourbuttes que sibi attinet in gradu consanguinitatis de jure prohibito.’ *Act Book of Whalley*, ed. Cooke, 63

<sup>1079</sup> *Act Book of Whalley*, ed. Cooke, 63

were not to remain together until the case had been judged and resolved by arbitrators.<sup>1080</sup>

The case was delayed and finally we are told that a date was fixed for the hearing of the sentence. This never appears in the records of the court. Again the records are unhelpfully without conclusion but it appears clear that the court would have liked to allow the union to be maintained, albeit with a legitimate dispensation. On the one hand the court went out of its way to bring to court those who did not live by the marriage laws of the church. On the other the court was willing to encourage couples to seek a dispensation to keep a union, even a dubious union, together. This apparently paradoxical situation can be explained by seeing that the court wanted all marriages to be by the book, even if it had to be via the loopholes of the book.

This same point can be seen in the case of Hugh and Katherine Hargreaves.<sup>1081</sup> Once again it is the court that initiates proceeding. They are found to be within the forbidden degrees and yet again the court acts with equity and compassion, giving the couple time to decide if they should seek a dispensation or an annulment. During this time they were to live separately and chastely. The application of the marriage laws were flexible, but couples had to operate within them, not break them.

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<sup>1080</sup> 'Et eciam quod interim sibi invicem non adhereant sub pena excommunicationis. Quo die adveniente partes predictae se submiserunt arbitrio Edmundi Parker... (etc.) seu eorum alterius ad tractandum de et super bonis dotalibus et sub spe concordie seu saltem confirmationem obtinendi continuatur causa in statu quo nunc usque ad crastinum Epiphanie.' *Act Book of Whalley*, ed. Cooke, 64

<sup>1081</sup> 'Dominus autem Commissarius concessit eis indutias usque ad festum Sancti Bartholomei ad colloquendum cum parentibus et amicis suis super eo, an volunt optinere dispensacionem vel divorcari, et citra dictum festum certificare dicto Commissario. Quodque tempore intermedio non convenient in thoro nec alio loco suspecto sub pena excommunicationis.' *Act Book of Whalley*, ed. Cooke, 183. The exact same point is made in another case. *Act Book of Whalley*, ed. Cooke, 183 and 196. The court brings the case and finds guilt. It then demands either an annulment or a dispensation.

At first sight the case of Robert Spenser and Alice Spenser also appears to have arisen due to the witness of the jurors.<sup>1082</sup> This is not clear. When the records become more detailed they open with Alice pleading that her husband Robert had driven her from her home. It appears more likely that Robert had driven Alice from their home citing affinity as his reason. Again we see an individual taking the law into his own hands rather than proceeding to the court for a judgement. The court ordered Robert to take her back. He first said that he feared death. Alice found three witnesses who spoke against this allegation. He then claimed to be within the prohibited degrees but was unable to prove this so was ordered to take her back.<sup>1083</sup> He came back to court, claiming that they were within the prohibited degrees, that this was true and evident, and thus he sought an annulment. This time he was able to produce witnesses and the case was tried.<sup>1084</sup> The following year Robert was involved in a case of adultery with Alice Robert. This was his wife's name. She was referred to as 'Aliciam Robert, alias Spensour' and now he was

<sup>1082</sup> 'Dicunt quod Robertus Spenser et vxor eius sunt affines in quarto gradu.' *Act Book of Whalley*, ed. Cooke, 85

<sup>1083</sup> 'Alicia, uxor Roberti Spenser, peciit eundem Robertum sibi resitui in obsequiis coniugalibus, de quibus dicit se spoliata per eundem a suo consorcio divertentem et eandem a suo consorcio expellentem et dictus Robertus fatetur matrimonium contractum et solemnizatum et possessionem obsequiorum coniugalium et spoliacionem eorundem per eum factam et deinde dictus Robertus allegavit timorem mortis et statim mulier invenit Johannem Kepax, Georgium Grymshay et Cristoferum Tatershall, fideiussores sub pena xxx<sup>li</sup> quod mulier non inferret ei periculum mortis et deinde iudex monuit et iniunxit eidem Roberto sub pena juris quatinus predictae Alicie prebet et faciat obsequia coniugalia et ut eam tractaret maritali affectione citra festum Trinitatis proximum futurum.' *Act Book of Whalley*, ed. Cooke, 87

<sup>1084</sup> 'Robertus Spensour coram domino commissario ac dixit vive vocis oraculo summarie apud acta contra Aliciam Robert alias Spensour quam de facto ut dixit duxit in vxorem quod matrimonium inter eos subsistere et stare de iure non potest neque debet quouis modo pro eo videlicet et ex eo quod dicti Robertus et Alicia fuerunt et sunt quarto et quarto gradibus affinitatis adinvicem coniuncti et dicit quod illud est verum, notorium et manifestum. Quare petit prefatus Robertus divorcium inter eum et prefatam Aliciam celebrari ac matrimonium inter eos de facto contractum de iure subsistere non posse declarari ac cassari, irritari et annullari veribusque juris omnino caruisse licenciamque eidem Roberto alias nubendi concedi ulteriusque sibi fieri et in premissis quod iustum fuerit et statim mulier personaliter presens respondebat prefata negacioni negative animo litem contestandi ad eandem et incontinenter post litem contestatam prefatus Robertus petiit terminum ad primo producendum ad statim super huiusmodi petitione sibi assignari et iudex ad eius petitionem signavit sibi prout petitur et incontinenter idem Robertus Spensour produxit Willelmum Barcroft... Henricum Sayer, Richardum Sayer et Johannem Parker, in presencia dicte Alicie quos iudex oneravit iuramento corporali ad sacrosancta Dei evangelia per eos et eorum quemlibet corporaliter tacta de fideliter testificando et veritatem deponendo super petitionem predictam.' *Act Book of Whalley*, ed. Cooke, 88-9



committing adultery with Alice Robert.<sup>1085</sup> While we do not have the court record telling us the marriage was annulled we have later evidence that shows us this was what happened. It seems almost certain that the above woman was the same Alice who was once his wife. With the marriage annulled they were now committing adultery. The judge then ordered Robert to expel Alice from his home and to break off his partnership with her.

This tragic case does show us something about claims of consanguinity. As with one case earlier a man has brought an annulment case on grounds of consanguinity. As with the previous case the woman had first separated from the husband on other grounds, both these separations being ‘mensa et thoro.’

Our final ‘forbidden degrees’ case is that between Johanna and Richard Holden. Johanna claimed an annulment from Richard on grounds of nearness of kin.<sup>1086</sup> When the case next appeared, that same year, it was deferred while the ‘Commissarius’ took legal advice.<sup>1087</sup>

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<sup>1085</sup> ‘Erga istum diem citati fuerint Robertus Spensour et Alica Robert pro suspicione adulterii Iudex decrevit eundem Robertum ad expellendam predictam Aliciam a domo suo et a suo committuo consorcio citra Dominicam proximam sub pena excommunicationis.’ *Act Book of Whalley*, ed. Cooke, 92. Poos says that he failed in his bid to get the separation and the following year he was ordered to expel another woman with whom he was living adulterously. This however appears to be a misreading of the text. L. R. Poos, “The Heavy-Handed Marriage Counsellor: Regulating Marriage in Some Later-Medieval English Local Ecclesiastical-Court Jurisdictions,” *The American Journal of Legal History*, 39 (1995), 303

<sup>1086</sup> ‘Isto die comparuit personaliter Johanna Holdene filia Jacobi Holdene dicens quod contraxit matrimonium cum quodam Richardo Holdene foreste de Penhull personaliter eciam presente et illud in facie ecclesie solemnizavit alligans eciam quod illud matrimonium de iure subsistere non potest pro eo quod dicta Johanna et Richardus sunt adinvicem quarto et quarto gradibus consanguinitatis coniuncti et consanguinei unde instanter peciit divorcium celebrari matrimoniumque huiusmodi cassari et annullari et ulterius justiciam in ea parte ministrari.’ *Act Book of Whalley*, ed. Cooke, 145

<sup>1087</sup> ‘Ad audiendam sententiam in causa matrimoniali sive divorcii partibus ipsis personaliter comparentibus, continuata est causa huiusmodi super sententia huiusmodi, et ut interim Magister Commissarius habeat consilium cum juris peritis in proximum Capitulum.’ *Act Book of Whalley*, ed. Cooke, 155

Then finally the annulment was granted.<sup>1088</sup> This was a case where the annulment was sought by the woman.

In four cases couples themselves pursued an annulment on grounds of consanguinity, representing 50% of the annulment proceeding in the Act Book. In all four cases an annulment was definitely given.<sup>1089</sup> Two of these four follow efforts to gain a marital separation due to violence. One was granted, one was not. Consanguinity was the most frequent reason for an annulment in Whalley. In two cases the parties had already sought separation and then proceeded to annulment cases. This suggests that in those cases consanguinity was used to bring about a desired separation, rather than because of a moral problem with 'sin.' People could and did look to consanguinity to separate their failed marriages. It must be stressed that this only happened four times in thirty years of records.

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<sup>1088</sup> Act Book of Whalley, ed. Cooke, 158

<sup>1089</sup> It should not be forgotten these proceeding were protracted and all required firm witness evidence.

### Marital Separation: Annulments: Diminished Consent

There are three cases of diminished consent leading to annulment proceedings in the Act Book making it the second ground for annulment in the Act Book. First, that of Henry Bibby against Johanna Holgate, where Johanna claimed she was forced into marriage and the marriage was declared annulled.<sup>1090</sup> Henry had initiated the case because Johanna had left him without bringing the matter to court. When the case came to court she cited the pressure of parents and friends which had forced her into the marriage. Four witnesses were then called who confirmed this and the annulment was given.

The next case cited youth as well as compulsion and was also granted. Elizabeth Baker sought an annulment from Edmund Fielden on grounds she was compelled to marry him when a child. She was eight and he was seven.<sup>1091</sup> Four witnesses were produced to

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<sup>1090</sup> 'Ad dictos die et loco Citata fuit Johanna Holgat, filia Willelmi Holgate de Barlabothe, predicte nostre exempte jurisdictionis moram trahens in eadem, ad instanciam Henrici Bybby de Downham Coventriensis et Lichfeldensis diocesis, mariti pretensi dicte Johanne, responsura sibi in quadam causa matrimoniali Que dictis die et loco preconizata personaliter comparuit dicto suo viro pretenso eciam personaliter comparente et eidem Johanne articulantur ut sequitur. Continuat in statu quo nunc usque ad diem Veneris proximum post festum Nativitatis Sancti Johannis Baptiste. Quo termino adveniente, dicta Johanna articulo respondebat negative litem contestando, ulterius dicens quod matrimonium predictum sic pretensum de iure subsistere non potest aut debet quouismodo, quia innitum fuit et celebratum inter eosdem vi et metu parentum suorum absque suo aliquali consensu tunc interueniente seu quouismodo extunc et post subsequente. Et oblato de iure dicte parti actrici juramento Calumpnie, dicta pars actrix adtunc et ibidem omnino juravit quod nunquam consenserunt sibi invicem et eciam dicta Johanna consimile prestitit juramentum. Et dominus Commissarius ad evitandam Collusionem inter partes examinavit ut testes Henricum Banaster, generosum, Willelmum Bentham, Jacobum Estwoode, et Richardum Holgate. Qui jurati deposuerunt de continuo eorum dissensu. Unde dictus dominus Commissarius super eorum deposicione ac actis inactitatis comperit dictum pretensum matrimonium initum et contractum fuisse vi et mediacione amicorum et eorum compulsu. Quare sentenciam tulit in forma sequenti. Quia per acta inactitata, confessata pariter et probata invenimus dictum pretensum matrimonium per coactionem et vim amicorum prefatarum parcium initum et contractum fuisse et esse licitum nulliter. Ideo dictum matrimonium nullum fuisse et esse pronunciantes et decernentes, per nostram sentenciam diffinitam et Decretum ipsos abinuicem devorciamus et separamus in his scriptis. Lecta et lata fuit hec sententia in Ecclesia prochiali de Whalley.' *Act Book of Whalley*, ed. Cooke, 49-50

<sup>1091</sup> *Act Book of Whalley*, ed. Cooke, 136-7

confirm that the parents had forced the couple to marry. This case, as with that of Johanna Holden, was started and won by the wife.

The third case that mentions compulsion also refers to marital violence. Initially Agnes brought a case for a marital separation ‘a mensa et thoro.’ This was on grounds that she feared for her life because she had been beaten so severely. When the case did come to court she had fled to Yorkshire. She was compelled to return to Whalley where the case was tried; her case failed and the court ordered them to come back together.<sup>1092</sup> Here we see how unwilling the courts were to bring about a separation and their demand for evidence beyond an individual’s personal testimony, not to mention the level of marital violence that was acceptable in the sixteenth century.<sup>1093</sup> She refused to live with him and was again cited to appear before the court because of this. Agnes then claimed that she had been forced into the marriage as a result of pressure applied by friends and family. A massive amount of evidence survives for this case, amounting to some seventeen printed pages.<sup>1094</sup> This is the only instance in the entire Act Book where we have witness testimonies recorded and we have six witnesses to these proceedings. Agnes claimed she was forced into the marriage due to threats from her family and friends. She claimed they threatened her with loss of lands and with the withdrawal of their friendship. Then she produced witnesses to make her case. The witnesses backed up her account of being

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<sup>1092</sup> ‘Et peciit Restitucionem sue predictae vxoris sibi fieri. Que quidem Agnes adtunc et ibidem dicebat et allegabat se sibi restitui aut cohabitare compelli non debere, pro eo et ex eo quod secum propter metum mortis morari non audebat. Quia sepe ipsam excessive verberabat. Et insuper se dicebat pertimere quod si dictus maritus suus aliquo tempore posset illam solam apprehendere extra comitiam aliorum, unde sibi subsidium posset obtinere, quod tunc eam occidere seu saltem mutulari vellet et intendebat. Et quod si invicem morarentur quod dubium non foret quin unus eorum alterum occideret. Unde premissis sufficienter declaratis et probatis, peciit se ab eodem, quoad thorum et mutuam cohabitacionem, divorciari et separari.’

Act Book of Whalley, ed. Cooke, 29-30

<sup>1093</sup> Hanawalt, *The Ties that Bound*, 214

<sup>1094</sup> Act Book of Whalley, ed. Cooke, 28-44

forced into marriage by friends and family, that she was threatened with loss of property and that her husband was cruel to her. The account at times gives witness statements in English. The witness statements show a variety of grounds for separation, from the threat of withdrawal of friendship and lands, to her having received a grievous beating, the wounds of which were seen, and finally saying that she did not give her consent.<sup>1095</sup>

Unfortunately, as with much of the material in the Act Book, the case is adjourned, she was assigned a safe place to stay and the conclusion was never recorded. In the rich record of these witnesses we glimpse most clearly the pain and turmoil that Agnes suffered. We see the pressures of society upon her to conform to their wishes, the pain she suffered physically in the relationship and her desire for love which was so absent from that union.<sup>1096</sup> While family pressure was clearly present in bringing about a marriage in the sixteenth century, so was a desire to marry someone whom you loved.

Looking over the annulment cases we note that four were initiated by men and four by women. Men were more likely to initiate proceeding of consanguinity, three being started

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<sup>1095</sup> 'Agnes, your uncle Johne Hoghtone wyllyth that ye dele wysly in this matier and take John Bulcok to your husbonde, for he is an onest man and a Ryche. And if ye so do, you shal plese me and all your frendes, and els ye can have no friendship of us. And be ye sure that if ye do not, he and other your frendes wol so provide for you that ye shal not have suche landes as ye wene to have.' *Act Book of Whalley*, ed. Cooke, 39. 'Brother Nichol, ye know that I am thus compelled by myne frendes to take this man to myne husbonde whiche I never loved as you wele know, and in goode feythe, I wol not tary with hym.... Brother I am com to you. And I ever told you that I never loved hym. And now he hathe yeeuene (given) me cause more to hate hym then ever I did, for he hathe grievously beten me. Et demonstravit sibi ictus et vulnera tam in brachiis quam eam verbaeravit; et illa dicebat quod pro eo quod illa noluit sibi consentire ad concubitus et actum atque usum carnis et eciam quia adherebat domui Richardi Fawcett.' *Act Book of Whalley*, ed. Cooke, 40. 'Alas Kateryne, I am undone, for myne frendes wole nedes compel me to have John Bulcok and by myne trouthe I had lever dy then have hym, for I never loved hym ne never wyl do. And so I pray you ber me record hirafter, for I wol never tary with hym when I am wedded.' *Act Book of Whalley*, ed. Cooke, 42. 'Alas Alisone, that ever thow shuldes call me Dame, for as I be saved he never was myne husbonde, for I never consented unto hym, ne never shal do. But Master Laurence Townley and other myne frendes have compelled me to hym against myne wyll as knowethe God. And but only for fer of losse of my lande I wolde never be with hym an houre.' *Act Book of Whalley*, ed. Cooke, 43

<sup>1096</sup> Hanawalt, *The Ties that Bound*, 198

by men and one by a woman, while women made up all three claims for annulment on grounds of diminished consent.<sup>1097</sup>

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<sup>1097</sup> A man initiated the one case where the grounds are unclear.

## Marital Separation: Marital Violence

Legal separations could be given for a number of reasons; these were adultery, heresy and marital violence. Marital violence was accepted as a basis for separation in the late thirteenth century.<sup>1098</sup> This arose as the grounds for marital separation in all five of these cases recorded in the Act Book. It is quite astonishing that no other grounds led to a marital separation. Despite thirty three cases of adultery none proceeded to a marital separation. Despite the suggestion that working on feast days and Sabbaths may have been linked to Lollardy no proceedings mentioned heresy as grounds for separation. Marital violence was clearly acceptable grounds for separation, in practice as well as in theory.<sup>1099</sup>

This first appears in the case which we have just looked at in regard to the annulment of the marriage between John Bullock and Agnes Bullock. Agnes moved to have that marriage legally separated on grounds of violence had failed. Marital violence next arose in the case between Margaret Cronkshaw and her husband, John Cronkshaw, which came before the court on the 26 October 1525. Margaret went to the court to demand a separation from John on grounds of cruelty. She feared personal injury through his aggression.<sup>1100</sup> She won her case and her request for a legal separation was granted. The case becomes more interesting with the next item to be recorded in the Act Book, this

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<sup>1098</sup> Brundage, *Law, Sex*, 510-1

<sup>1099</sup> Brundage, *Law, Sex*, 510-1

<sup>1100</sup> 'peciit seipsam separari ab eodem Johanne marito suo a mensa et thoro mutuaque cohabitatione ipsius Johannis, pro eo videlicet et ex eo quod timet dampnum corporale sibi per eundem Johannem fiendum. Et corporale prestitit iuramentum ad sacrosancta Dei evangelia per eam corporaliter tacta quod idem Johannes nonnullis et diversis temporibus intulit eidem Margarete minas et ipsam crudeliter verberavit ita quod vix habuit vitam. Et votum emisit castitatis durante separeione premissa etc. et preconizato ipso Johanne Similiter prestitit Juramentum de caste viuendo.' *Act Book of Whalley*, ed. Cooke, 105

time dated 7 April 1526.<sup>1101</sup> Margaret and John returned to court saying they now wished to live together and so the decree of separation was revoked.

Twice in the Act Book it was the husband who accused his wife of violence. In the case of Gilbert Marsten he said he could not live with her because she was so violent.<sup>1102</sup> Of the five cases of marital violence three are brought by women and two by men. Two of the cases resulted in a separation, two did not and one was unclear. Two of the failed cases were later annulled on different grounds.<sup>1103</sup> One of the successful cases was later brought to court by the other partner in order to have the union annulled.

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<sup>1101</sup> ‘comparuerunt personaliter Johannes Cronkeshaghe et Margareta Cronkeshaghe et allegaverunt ipsos fuisse et esse contentos et concordatos ut vir et vxor in simul cohabitare. Et instanter pecierunt sentenciam diuorcii a mensa et thoro mutuaque cohabitatione eorundem Johannis et Margarete prius latam reuocari et annullari, et eosdem Johannem et Margaretam ad suum pristinum statum reduci, ac pro veris coniugiis decerni et declarari per veram sentenciam siue Decretum interlocutorium et dominus Commissarius ad eorum petitiones reuocauit suum Decretum et decreuit eosdem Johannem et Margartetam in simul ut vir et vxor cohabitare, voto castitatis, iuramento seu promicione in contrarium factis non obstantibus.’ *Act Book of Whalley*, ed. Cooke, 105-6

<sup>1102</sup> ‘Super actu comparicionis quibus personaliter comparentibus, dictus Gilbertus allegavit tantam serviciam vxoris sue quod non audet simul matrimonialiter cum eadem cohabitare absque periculo corporis et mutulacione (sic) membrorum suorum. Quare peciit terminum competentem ad proponendum huiusmodi in scriptis et ad probandum eandem allegacionem suam huiusmodi et dominus assignavit eidem diem Veneris proximum post festum Sancti Laurencii proximum et moniti sunt ect’ *Act Book of Whalley*, ed. Cooke, 181. One also has to wonder if this is the situation which Robert Spenser referred to when he cited ‘timorem mortis’ earlier.

<sup>1103</sup> In both cases the same party initiated both proceedings, in one case the man and in the other the woman.



## Marital Separation: Adultery

Finally it is worth noting the connection between adultery and marital separation. The Bible taught that one could only separate from a spouse due to marital infidelity (Matthew 5:31-2). Adultery was grounds for marital separation. Bearing this in mind it is interesting that out of the five marital separation cases to come before the court of Whalley and of the thirty three cases of adultery in the same period not one was preceded by adultery. Only one case which ends in an annulment mentions it. This was between George Grimshaw and Lucy Parker. George Grimshaw first appears in the records of Whalley in April 1525 when he was convicted of fornication with Alice Faucet after she had become pregnant and had a child by him.<sup>1104</sup> On 20 May 1529 he appeared again, this time having had another child by Alice Faucet and not 'cohabiting' with his wife.<sup>1105</sup> Then on 22 August 1530 the case of annulment came up.<sup>1106</sup> While the court records that the marriage was 'de facto' and not 'de iure' the reason is not recorded in the Act Book. His case must have been settled at an earlier hearing, of which we do not have the details. What is clear

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<sup>1104</sup> *Act Book of Whalley*, ed. Cooke, 97. It is unclear if he was married before this point. As the case refers to fornication and not adultery one must assume that he was not married.

<sup>1105</sup> 'Uterius dicunt quod quidam Georgius Grymeshay et eius vxor in una domo ut vir et vxor non cohabitant; qui eciam procreavit prolem cum Alicia Facet, vidua.' *Act Book of Whalley*, ed. Cooke, 123

<sup>1106</sup> 'Quia concurrentibus omnibus et singulis in dicta causa debitis et requisitis de iure invenimus, per acta et inactitata, proposita, confessata et allegata, prefatum Georgium intencionem suam contra prefatam Luciam in hac parte sufficienter et legitime fundasse et probasse. Idcirco prefatum matrimonium pretensum inter dictos Georgium et Luciam contractum et in facie Ecclesie solemnizatum, quatenus de facto processerunt et non de iure, cassamus, irritamus et annullamus, cassum, irritum et nullum et illud non teneri pronunciamus et delaramus, ac ipsos Georgium et Luciam, quatinus de facto et non de iure fuerunt matrimonialiter copulati, abinvicem separamus et divorciamus sentencialiter et diffinitive in hiis scriptis. In cuius rei testimonium sigillum Officii nostri presentibus apposuimus.' *Act Book of Whalley*, ed. Cooke, 128. Strangely the couple appear once more in the Act Book, which reads, 'Notatur quod non cohabitatur cum uxore sua nec utitur ea ut tenetur. Comparuit et Lucia eciam comparuit. Et vir habet horam terciam post meridiem ad proponendum in debita iuris forma in huiusmodi causa etc.' *Act Book of Whalley*, ed. Cooke, 135

is that adultery does not appear as a contributing factor in the granting of the annulment.<sup>1107</sup>

In the Act Book of Whalley adultery is never cited as the reason for a legal separation. This is in line with Brundage's general findings. He stated that while it could be used as grounds for separation it was 'an infrequent cause of action.'<sup>1108</sup> Brundage suggests that 'one reason for the comparative rarity of adultery litigation (in the context of legal separation) may well have been the feeling that bringing such a cause to the courts was itself shameful.'<sup>1109</sup> This logic does not appear to work. In the thirty three cases we considered in the previous chapter the adultery had already have been brought before the court and made public. Once a case had been made public and dragged through the court, possibly with very public penance bringing it further into the public domain, it seems strange for the individuals involved to be unwilling to use this public fact to pursue a desired separation. It might be more accurate to say the medieval church believed in and taught repentance and penance, forgiveness and reconciliation. The main reason why legal separations were not pursued because of adultery was probably that one could not remarry under these conditions, thus by seeking a separation one accepted a life of singleness, with its related economic and social ramifications.

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<sup>1107</sup> Indeed it may be more accurate to say that George and Lucy separated as a result of knowing about the impediment that would lead to a legitimate annulment. Thus the major issue in this case being non cohabitation and a failure to pursue a separation by the book, with the adultery a totally separate and unrelated crime.

<sup>1108</sup> Brundage, Law, Sex, 513

<sup>1109</sup> Brundage, Law, Sex, 513

## Conclusions

In chapter 5 we saw that the papal letter of Alexander IV granted extensive legal jurisdictional rights to Cistercian monasteries. These rights were crucial in Whalley gaining rights to run the peculiar court for which we have the records in the Act Book. By examining the Act Book we have been able to glimpse the sort of material that would have come before other Cistercian run courts. This material has enabled us to see that some monks, far from being separated from the laity, would have been drawn into the practical earthy world of the locality, from which they had originally tried to escape. The monastic court, being run by a combination and through the cooperation of clerics and laymen, dealt with a wide variety of ecclesiastical offences, of which those of a sexual nature constituted a large proportion. In the court at Whalley we see the court acting as a strict moral enforcer, dealing with a large quantity of extra marital relationships, punishing both men and women for their offences. We see the court acting as a sympathetic counsellor in regard to marital cases, both when marriages were initiated and when they were concluded- a counsellor who at times compelled them to take his advice. Everyone had to fit the mould and perhaps because of this it was a very flexible one. Compassionate legalism was at the core of the Whalley court.

## **Conclusion**

### **Centralisation, Communication and Uniformity**

Previous studies of Cistercian privileges have not focussed upon the manuscript records of houses. They have largely assumed uniformity. The Cistercian Order pioneered centralised monastic governance. Visitations and the general chapter were at the heart of this. Even when attendance at the general chapter declined dramatically systems were in place which meant information was widely disseminated throughout the Order. English Cistercians sent representatives to the general chapter. When they returned they reported back to the abbots. English Cistercian abbots gathered together from the thirteenth century. This makes sense of how papal letters were distributed to them. It fits with evidence that they came together to defend individual infringements of privileges at common expense.

This centralised government facilitated a wide awareness of the breadth of the privileges the Order possessed. Privileges to the Order began with Lucius III and became commonplace under Honorius III. Regulations from the general chapter encouraged houses to get hold of these privileges, either by going to Rome or by copying them from the central record of privileges stored at Cîteaux. The close relationships between English Cistercian houses played a significant role. Letters were loaned between houses. This network was far broader than simply between mother and daughter houses. It was

generally focussed upon the wider family group, but it did not do this exclusively and could stretch further.

The cartulary evidence which has been examined in the first part of the thesis fits with the argument that English Cistercian houses were generally aware of the full range of the privileges of the Order. The evidence from the three Holm Cultram cartularies shows us that cartularies did not include all the privileges that a house possessed or was aware of. Only a small proportion of cartularies appear to have survived. Every English Cistercian house probably possessed a cartulary which contained a substantial papal letter collection: it was common for Cistercian cartularies to include a significant papal letter collection or to have a separate volume dedicated to them. Where general cartularies do not contain a specific papal letter collection, the monastery probably held a volume similar to Oxford, University College MS 167.

### **Variation: Fighting or Folding?**

While there was a widespread awareness of the privileges which were held by the Order this tells us nothing about what actually happened. This thesis has sought to provide this detail for English Cistercian houses. It has done this by looking at individual manuscript collections and at letters to individual houses. It has used a wide variety of sources to discover the patterns that emerge around enforcement and opposition. The evidence is sparse so conclusions must be tentative. Some abbots were negligent. They allowed material to be lost and rights to be forgotten. Cistercian privileges were often resisted, whether by the crown, the nobility or from within the church. In the 1230s the crown ignored privileges and extracted money from Cistercian houses.<sup>1110</sup>

Often Cistercian houses jealously guarded their privileges and struggled vigorously to defend them. In this thesis we have seen battles over procurations and over the entry of women into monasteries. Cistercian houses fought attempts to make them observe general interdicts or attend synods. They can be seen standing on their rights against Episcopal visitation and excommunication. From 1245 Conservators of the privileges of the Order were present in England helping to enforce the rights of the Order. Very little information survives about them but they do appear in the record occasionally excommunicating violators and lifting sentences of excommunication. While Cistercians certainly did not always win these conflicts, their privileges were not dead letters. In one

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<sup>1110</sup> *Annales Monastici*, ed. Richards Luard, vol. 2, 300-1. For further details see J. E. Madden, "Business Monks, Banker Monks, Bankrupt Monks: The English Cistercians in the Thirteenth century," *The Catholic Historical Review*, 49 (1963), 361

case in 1240, simply by persistent passionate petitioning, the abbot of Waverley was able to get the king to relent and observe the privileges of the Order.<sup>1111</sup>

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<sup>1111</sup> Annales Monastici, ed. Richards Luard, vol. 2, 325-7

## **Divergent Evolution**

Nothing in this thesis hangs on an early date being assigned to the early legislative documents, but the material certainly fits with the argument that Eugenius III confirmed the *Carta Caritatis Posterior* in 1152. The privileges about the election and deposition of abbots support that dating. The language of evolution is helpful in understanding the development not just of the Order but of its privileges. The development of centralising structures within the Order was followed by privileges which buttressed these advances. Initially privileges were granted which aided the observance of the religious life and to facilitate the peace and tranquillity of the Order. This theme then runs throughout the period.

The Order evolved with the inauguration of a 'para-hierarchy' when the *Carta Caritatis* was confirmed in 1152. The Cistercian watchmaker was blind to the future impact this would have on Episcopal authority. This 'para-hierarchy' evolved as the general chapter developed more advanced functions around 1180. It took on the role of spiritual policeman, with more oversight for the members of the Order. Procedures were put in place to resolve disputes between Cistercian houses. Papal letters continued to be issued to buttress the legislation and practice of the Cistercian Order. This had an impact upon how the bishops related to Cistercian monasteries. In theory they could no longer be excommunicated by bishops.



This led to privileges which granted protection from excommunication and interdict to their household, servants, benefactors, as well as those who ground in Cistercian mills and cooked in their ovens. These individuals living on Cistercian lands are another sign of Cistercian evolution. Cistercian privileges then began to involve the Order in the religious lives of those laymen. Initially under Gregory IX these rights were only granted to individual houses. Later Gregory gave this privilege to the entire order. These rights would not have applied to every Cistercian house. Not all Cistercian houses would have had members of the laity living on their lands. These rights were given to help laymen who did not have ready access to a secular priest. They were not meant to impair the rights of others. These privileges were expanded under Alexander IV.

Here the biologists' concept of divergent evolution is useful. Divergent or adaptive evolution occurs when two or more biological characteristics have a common evolutionary origin but have diverged over evolutionary time. Just as the Cistercian Order evolved so did individual houses. In the twelfth century the privileges held by individual houses appear to have varied. Some houses held more rights than others. This changed as privileges to the entire order became common and the structures of the Order developed. The growth of standardisation did not eradicate deviation. Individual abbots were granted exemption from serving as papal judges delegate. Fountains received the right in 1185. The whole order failed to gain this right in 1211. Various local factors meant that individual house's developed differently from one another. Efforts from the centre to enforce standardisation were often ineffective. Local factors would have influenced whether members of the laity lived on a houses lands. These factors would not just have

been economic. A lax abbot could cause privileges to fall out of memory. An abbot could influence when meat was eaten in his house. Ideas of what was acceptable practices changed over time.

Not all Cistercian houses would have become involved in the religious lives of the laity. The size of a house would have been a factor. The distance from parish churches would have been significant. Some houses would have avoided involvement on principle out of a desire to hold to the original ideals of the Order. This would not have been a stumbling block for others. The right for monks of the Order to act as priests in churches which a Cistercian house had appropriated is an example of the divergent evolution of Cistercian privileges. No papal letter to the entire order or to the English Cistercians survives which granted these rights. Papal letters to individual houses do survive where this happened.

## **Whalley Abbey**

Whalley abbey was one of the monasteries which gained rights to appoint members of their house to be parish priests, with the cure of souls. Divergent evolution can be seen in the acquisition of the right to administer the ecclesiastical jurisdiction of Whalley. The general privilege of Alexander IV to deal with cases of fornication and adultery appears to have been a factor in Whalley gaining the right. A variety of other local privileges played a significant role. The combination of factors was crucial. Other Cistercian houses would have exercised jurisdiction over cases of fornication and adultery. This is suggested by the survival of the privilege in the records of several houses and by the fact that this privilege was re-confirmed in the fourteenth and fifteenth centuries. Local factors would have determined where this happened. The case of Whalley is different. Other factors and rights co-operated to give Whalley abbey the right to run a court which had jurisdiction over marriage cases. Evidence for this phenomenon does not survive for other Cistercian houses. There may have been other instances of this, given the right combination of factors.

The evidence from the Act Book shows two monks acting as proctors, two as judges and others being appointed arbiters. In some cases where penance involved flagellation this would have been administered by one of the monks who served as parish priest. These monks form a significant proportion as there were twenty at Whalley at that time. The Act Book provides an excellent opportunity to investigate the situations where Cistercian monks would have come into contact with the ordinary lives of the laity.

The study of the court has provided new information on lower ecclesiastical courts. This includes evidence about jurors. Many jurors had been brought before the court as offenders and that family association was the most important factor in a person's selection to serve as a juror. It has shed light upon non-solemn public penance in the sixteenth century and the lack of gender bias in these punishments. It is a notable fact that such findings can form part of the history of the Cistercian Order in England.

## Summing Up

The first part of the thesis provided evidence that every English Cistercian house was aware of their privileges. In the second part we saw they often fought to implement them. Another theme that is clear is that awareness did not equate to implementation. A house could have a right and not seek to use it, whether not to eat meat or to baptise babies. Practices changed over time. There was variation from centre to locality. There was divergence between Cistercian houses within England. Specific local factors played a crucial role. The third part investigated the Whalley court which is an excellent example of this potential for evolution along individual lines. In the Cistercian Order generally and with its privileges particularly centralised structures and local peculiarities were married together. The Order and its individual houses evolved continually and divergently throughout the period. In many instances Cistercian monks, whose order had initially been opposed to any regular dealing with the laity, were drawn into direct contact with them and intimate involvement in their lives.

## Bibliography

### Manuscripts

Buckfast Abbey Library, Cartulary of Buckfast Abbey

Cambridge University Library MS Add 7934

Carlisle Record Office, Holm Cultram Cartulary

Chelmsford, Essex Record Office T/B3

Christopher Foyle, kept at Beeleigh Abbey, Essex

London,	National Archive,	Duchy of Lanc. Miscellaneous books 7
		E135/21/5
		Exchequer, Augmentation office, Ancient Deeds,
		Series BB, E 328/2, 28, 40, 145, 313, 398
		Exchequer, K. R. (ecclesiastical documents E
		135/22/13)
		Exchequer, KR, transcripts of Deeds and charters, E
		132/1/7
		Exchequer, Miscellanea, Ecclesiastical Documents,

E 135/3/4, E135/3/15, E135/15/18, E135/24/21

London,	British Library,	Additional 5937
		Additional 8172
		Additional 10374
		Additional 14847
		Additional 18276
		Additional 19082
		Additional 24465
		Additional 26736
		Additional 31952
		Additional 34078
		Additional 36869
		Additional 37022
		Additional 37640
		Additional 37770
		Additional 40009
		Additional 40011
		Additional 49996
		Additional 70510
		Additional Charter 17119
		Arundel 17
		Arundel 19

Arundel 221

Cotton Calig A xii

Cotton Calig A xiii

Cotton Julius A i

Cotton Julius C. VII

Cotton Julius D i

Cotton Nero, A XII

Cotton Otho B xiv

Cotton Tiberius C XII

Cotton Tiberius E. IX

Cotton Vesp. E. xviii

Cotton Vitellius A i

Cotton Vitellius C vi

Cotton Vitellius D xviii

Egerton 2600

Egerton 2823

Egerton 3053

Egerton 3058

Egerton 3126

Harley 112

Harley 294

Harley 1881

Harley 2044



Harley 2060

Harley 2064

Harley 2273

Harley 3891

Harley 3911

Harley 4714

Harley 4757

Harley 4765

Harley 5804

Harley 6716

Harley 6975

Lansdowne 404

Lansdowne 415

Lansdowne 424

Lansdowne 968

Lansdowne 973

Loans no. 41

Royal 3 A X

Royal 6 E VI

Royal 6 E VII

Royal 7 D XV

Stowe 937

Stowe Charters 571

London,	College Of Arms,	Glover's Collection B
London,	Guildhall Library	MS 25511 A
London,	Lambeth Palace	PD no. 30 MS 499
Manchester,	Rylands Library,	Lat MS 223 Lat MS 224 Lat MS 461
Marquess of Bath,	Longleat	MS 37 MS 44
Norwich,	Norfolk Record Office	Hare of Stow Bardolph MS 1, 232 x
Oxford,	Bodleian,	Dodsworth 10 Dodsworth 20 Dodsworth 26 Dodsworth 31 Dodsworth 45 Dodsworth 53

Dodsworth 63

Dodsworth 76

Dodsworth 85

Dodsworth 95

Dodsworth 127

Dodsworth 152

Dugdale 12

Dugdale 18

Gough Norf 18

Laud Misc. 362

Laud Misc. 527

Rawlinson B 142

Rawlinson B 421

Rawlingson B. 449

Top, Devon d. 5

Top. Gen. C. 26

Top. Kent C. 6

Top. Salop. D 2

Top, Yorks. D. 11

Oxford,	Queens College	MS 288
	Trinity College	MS 85
	University College	MS 167

University College MS 170

Shakespeare Birthplace Trust, Record office, Stratford-upon-Avon, DR 10/1406

DR 18/31/1

DR 18/31/5

Stafford, Staffordshire Record Office D (W) 1788 Box B12

Parcel 45/10

Stafford, William Salt Library, M539

Wiltshire Record Office, Trowbridge, Acc No. 192/54

## Printed Primary Sources

Anderson, J.D. & Kennan, E.T., trans. and ed., Five Books on Consideration: Advice to a Pope (Kalamazoo, Michigan: Cistercian Publications, 1976)

Atkinson, J. C. ed., The Coucher Book of Furness Abbey, 2 vols. in 6 parts (Manchester: Chetham Society, 9, 11, 14, 74, 76, 78, 1886-1919)

Atkinson, J. C. ed., Cartularium Abbathiae de Rievall (Durham: Surtees Society, 83, 1887)

Auden, J. E., The Peculiar Courts of Shropshire (Transactions of the Shropshire Archaeological Society, 4<sup>th</sup> series, 12, 1929-30)

Auvray, L. ed., Les registres de Grégoire IX, 4 vols. (Paris: Bibliothèque des Écoles Françaises d'Athènes et de Rome, 1896-1955)

Aveling, J. C. H. and Pantin, W. A. ed. and trans., Letterbook of Robert Joseph, monk scholar of Evesham and Gloucester College, Oxford, 1530-3 (Oxford: Clarendon Press, 1967)

Bannister, A. T. ed., Registrum Thome Spofford, episcopi Herefordensis, A. D. 1422-1448 (London: Canterbury and York Society, 23, 1919)

Barlow, F. ed., English Episcopal Acta XI: Exeter 1046-1184 (Oxford: Oxford University Press for the British Academy, 1996)

Barlow, F. ed., English Episcopal Acta XII: Exeter 1186-1257 (Oxford: Oxford University Press for the British Academy, 1996)

Barnes, P. M. and Powell, W. R. ed., Interdict Documents (London: Pipe Roll Society New Series, 34, 1960)

- Barrow, J. ed., English Episcopal Acta VII: Hereford 1079-1234 (Oxford: Oxford University Press for the British Academy, 1993)
- Beck, T. A. Annales Furnesienses: History and Antiquities of the Abbey of Furness (London: Payne and Foss, 1844)
- Bell, D. N. ed., The Libraries of the Cistercians, Gilbertines and Premonstratensians (London: Corpus of British Medieval Library Catalogues, 3, 1992)
- Berger, E. ed., Les Registres D’Innocent IV, 4 vols. (Paris : Bibliotheque des ecoles Francaises d’Athenes et de Rome, 1884-1921)
- Bliss, W., Johnson, C., Twemlow, J. A. and Haren, M. J. ed., Calendar of entries in the Papal Registers, relating to Great Britain and Ireland (London: HMSO, 1893-in progress)
- Bond, E. A. ed., Chronicon monasterii de Melsa, 3 vols. (London: Rolls Series 43, 1866-8)
- Booth, P. H. W. et al., Life, love and death in North-East Lancashire, 1510 to 1537 (Manchester: Chetham Society 3rd Series, 46, 2006)
- Boucherat, N., Liber quorundam privilegiorum sacri ordinis Cisterciensis per per summos pontifices concessorum (Paris, 1620)
- Cadier, E. ed., Les registres de Jean XXI (Paris: Bibliothèque des Écoles Françaises d’Athènes et de Rome, 1889)
- Bourel de La Roncière, C., de Loye, J., de Cenival, P. and Coulon, A., Le registres d’Alexandre IV, 3 vols. (Paris: Bibliothèque des Écoles Françaises d’Athènes et de Rome, 1902-1953)
- Brett, M. and Gribbin, J. A. ed., English Episcopal Acta XXVIII: Canterbury 1070-1136 (Oxford: Oxford University Press for the British Academy, 2004)

Brewer, J. S. ed., Geraldi Cambrensis Opera, 8 vols. (London: Rolls Series, 21, 1861-91)

Broomfield, F. ed., Thomae de Chobham Summa Confessorum (Louvain: Éditions Nauwelaerts, 1968)

Brown, P. ed., Sibton Abbey Cartularies and Charters, 4 vols. (Woodbridge: Boydell & Brewer, Suffolk Record Society, Suffolk Charters, 7-10, 1985-8)

Brown, W. ed., The Register of Walter Giffard, Lord archbishop of York, 1266-79 (Durham: Surtees Society, 109, 1904)

Brown, W. ed., The register of John le Romeyn, Lord archbishop of York (1286-96), 2 vols. (Durham: Surtees Soc, 123, 128, 1913-7)

Brown, W. and Hamilton Thompson, A. ed., The Register of Thomas of Corbridge, Lord Archbishop of York, 1300-1304 (Durham: Surtees Society, vols. 138, 141, 1925-8)

Brown, W. and Hamilton Thompson, A. ed., The Register of William Greenfield Lord Archbishop of York, 1306-1315, vol. 2 (Durham: Surtees Society, 149, 1934)

Brownbill, J. ed., The Ledger-Book of Vale Royal Abbey (Manchester: Publications of the Lancashire and Cheshire Record Society, 68, 1914)

Burton, J. ed., The Cartulary of Byland Abbey (Durham: Surtees Society, 208, 2004)

Butler, H. E. ed. and trans., The Chronicle of Jocelin of Brakelond (London: Thomas Nelson and Sons, 1949)

Canivez, J. M. ed., Statuta capitulorum generalium ordinis Cisterciensis ab anno 1116 usque ad annum 1786, 8 vols. (Louvain: Revue d'Histoire Ecclésiastique, 1933-41)

Chapman, J. B. W. ed., Calendar of Liberate Rolls: Henry III, vol. 3 (London: Published by His Majesty's Stationery Office, 1937)

- Cheney, C. R. and Semple, W. H. ed. and trans., Selected Letters of Pope Innocent III Concerning England (1198-1216) (London: Thomas Nelson and Sons, 1953)
- Cheney, C. R. and Cheney, M. G. ed., The Letters of Pope Innocent III (1198-1216) Concerning England and Wales: A Calendar with an Appendix of Texts (Oxford: Clarendon Press, 1967)
- Cheney, C. R. and Jones, B. E. A. ed., English Episcopal Acta II: Canterbury 1162-1190 (Oxford: Oxford University Press for the British Academy, 1986)
- Cheney, C. R. and John, E. ed., English Episcopal Acta III: Canterbury 1193-1205 (Oxford: Oxford University Press for the British Academy, 1986)
- Cheney, M. G., Smith, D., Brooke, C., and Hoskin, P. ed., English Episcopal Acta XXXIII: Worcester 1062-1185 (Oxford: Oxford University Press for the British Academy, 2007)
- Chibnall, M. ed. and trans., The Historia Pontificalis of John of Salisbury (London: Thomas Nelson and Sons, 1956)
- Cirey, J., Brevis praefatio super sequenti collecta quorundam privilegiorum ordinis Cisterciensis (Dijon, 1491)
- Clay, C. T. ed., Early Yorkshire Charters (Leeds: Yorkshire Archaeological Society, Record Seres, Extra Series, 1-3, 5-10, 1935-65)
- Constable, G. ed., The Letters of Peter the Venerable, vol. 1 (Cambridge, Massachusetts: Harvard University Press, 1967)
- Constable, G. and Smith, B. ed. and trans., Libellus de diversis ordinibus (Oxford: Clarendon Press, Oxford Medieval Texts, 1972)



- Cooke, A. M. ed., Act Book of the Ecclesiastical Court of Whalley, 1510-1538  
(Manchester: Chetham Society, 44, 1901)
- Cooke, M. ed., Chateau d'Amour (London: Caxton Society, 1852)
- Crawley-Boevey, A. W. ed., The Cartulary and Historical Notes of the Cistercian Abbey of Flaxley in the County of Gloucester (Exeter: Pollard, 1887)
- Davis, R. H.C. ed., The calendar of abbot Samson of Bury St. Edmunds and related documents (London: Camden Third Series, 84, 1954)
- Davis, H. W. C. ed., Regesta Regum Anglo-Normannorum 1066-1154, vol. 1 (Oxford: Clarendon Press, 1913)
- de la Croix Bouton, J. and Van Damme, J-B. ed., Les plus anciens textes de Cîteaux  
(Achel: Abbaye cistercienne, 1974)
- Dorez, L., Guiraud, J. and Clémencet, S. ed., Les registres d'Urbain IV, 4 vols. (Paris: Bibliothèque des Écoles Françaises d'Athènes et de Rome, 1892-1958)
- Douglas, D. C. and Greenaway, G. W. ed. and trans., English Historical Documents Volume II, 1042-1189 (London: Eyre and Spottiswoode, 1953)
- Douie, D. and D. H. Farmer, D. H. ed. and trans., Magna Vita Sancti Hugonis (Oxford: Clarendon Press, 1985)
- Dugdale, W. ed., Monasticon Anglicanum, 8 vols. (London: Longman, Hurst, Rees, Orme and Brown etc., 1817-30)
- Duggan, A. J. ed. and trans., The Correspondence of Thomas Becket, 2 vols. (Oxford: Clarendon Press, 2000)
- Ellis, H. ed., Register and Chronicle of the Abbey of Aberconway (London: Camden Miscellany, 1, 1847)

- Emden, A. B. ed., A Biographical Register of the University of Cambridge to 1500  
(Cambridge: Cambridge University Press, 1963)
- Eyton, R.W. Court, Household, and Itinerary of King Henry II (London: Taylor, 1878)
- Farrer, W. ed. and trans., Court Rolls of the honour of Clitheroe in the County of Lancaster, 3 vols. (Manchester: Emmot, 1897-1913)
- Fawtier, R., Hand-list of Charters, deeds, and similar documents in the possession of the John Rylands Library, vol. 1 (Manchester: Manchester University press, 1925)
- Flower, R. C. ed., Registrum Simonis de Sudbury (1362-1375) (London: Oxford University Press for Canterbury and York Soc, 34, 1927)
- Fowler, G. H. ed., The Cartulary of the Cistercian Abbey of Old Wardon, Bedfordshire  
(Manchester: Manchester University Press, 1931)
- Fowler, J. T. ed., Cartulary of the Monastery of Newminster of the Cistercian Order  
(Durham: Surtees Society, 66, 1878)
- Franklin, M. J. ed., English Episcopal Acta VIII: Winchester 1070-1204 (Oxford: Oxford University Press for the British Academy, 1993)
- Franklin, M. J. ed., English Episcopal Acta XIV: Coventry and Lichfield 1072-1159  
(Oxford: Oxford University Press for the British Academy, 1997)
- Franklin, M. J. ed., English Episcopal Acta XVI: Coventry and Lichfield 1160-1182  
(Oxford: Oxford University Press for the British Academy, 1998)
- Franklin, M. J. ed., English Episcopal Acta XVII: Coventry and Lichfield 1183-1208  
(Oxford: Oxford University Press for the British Academy, 1998)
- Friedberg, E. ed., Corpus Iuris Canonici, 2 vols. (Leipzig: Tauchnitz, 1879-81)

Gairdner, J. ed., Letters and Papers foreign and domestic, of the reign of Henry VIII, vol. 10 (London: HMSO, 1887)

Gay, J. and Vitte, S. ed., Les registres de Nicolas III (Paris: Bibliothèque des Écoles Françaises d'Athènes et de Rome, 1938)

Gilbanks, G. E. ed., Some Records of a Cistercian Abbey: Holm Cultram (London: Scott, 1899)

Grainger, F. and Collingwood, W. G. ed., The Register and Records of Holm Cultram (Kendal: Titus Wilson & Son, 1929)

Grandjean, C. ed., Le registre de Benoit XI (Paris: Bibliothèque des Écoles Françaises d'Athènes et de Rome, 1905)

Greenway, D. and Sayers, J. E. ed. and trans., Jocelin of Brakelond: Chronicle of the Abbey of Bury St. Edmunds (Oxford: Oxford University Press, 1989)

Greenway, D. ed. and trans., Henry Archdeacon of Huntingdon: *Historia Anglorum* (Oxford: Clarendon Press, 1996)

Griesser, P. B., "Registrum epistolam Stephani de Lexinton abbatis de Stanlegia et de Savigniaco," in Analecta Sacri Ordinis Cisterciensis, 2 (1946)

Griesser, P. B., "Registrum epistolam Stephani de Lexinton abbatis de Stanlegia et de Savigniaco, pars altera, epistolae ad tempus regiminis in Savigniaco pertinentes," in Analecta Sacri Ordinis Cisterciensis, 8 (1952)

Guiraud, J. ed., Les registres de Grégoire X (Paris: Bibliothèque des Écoles Françaises d'Athènes et de Rome, 1892)

Hall, J. ed., The Book of the Abbot of Combermere 1289 to 1529 (London: The Record Society for the publication of original documents relating to Lancashire and Cheshire, 31, 1896)

Hamilton Thompson, A. ed., Documents relating to Diocesan and Provincial Visitations from the registers of Henry Bowet, Lord Archbishop of York, 7 Oct. 1407-20 Oct. 1423 and John Kempe, Cardinal-Priest of Santa Balbina, Lord Archbishop of York, 20 July 1425-21 July 1452 (London: Surtee Society, 127, 1916)

Harper-Bill, C. ed., English Episcopal Acta VI: Norwich, 1070-1214 (Oxford: Oxford University Press for the British Academy, 1990)

Harper-Bill, C. ed., English Episcopal Acta XXI: Norwich, 1215-1243 (Oxford: Oxford University Press for the British Academy, 2000)

Harper-Bill, C. ed., English Episcopal Acta XXXII: Norwich, 1244-1266 (Oxford: Oxford University Press for the British Academy, 2007)

Haseldine, J. ed. and trans., The Letters of Peter of Celle (Oxford: Clarendon Press, 2001)

Hayez, M et A-M., Mathieu, J. and Yvan, M-F. ed., Urbain V (1362-1370) : Littres Communes : Analysées d'après les registres dits d'Avignon et du Vatican vol. 8 (Rome: école français de Rome, 1982)

Henriquez, C. ed., Regula, Constitutiones et privilegia ordinis Cisterciensis (Antwerp, 1630)

Hewlett, H. G. ed., The Flowers of History by Roger de Wendover, 3 vols. (London: Rolls Series, 84, 1886-9)

Hill, R. M. T. ed., The Rolls and Register of Bishop Oliver Sutton, 1280-1299, 8 vols. (Woodbridge: The Lincoln Record Society, 39, 43, 48, 52, 60, 64, 69, 76, 1948-1986)

- Hill, R. ed., Oliver Sutton, Bishop of Lincoln, 1280-99 (Lincoln: Lincoln Cathedral Library Publications, 1982)
- Hilton, R. H. ed., The Stoneleigh Leiger Book (Oxford: Oxford University Press for Dugdale Society, 24, 1960)
- Hingeston-Randolph, F. C. ed., Register of John de Grandisson, Bishop of Exeter, AD 1327-1369 part 3 (London: G. Bell & Sons, 1899)
- Hingeston-Randolph, F. C. ed., The Registers of Walter Bronescombe (A. D. 1257-1280) and Peter Quivil (A. D. 1280-1291), Bishops of Exeter (London: G. Bell & Sons, 1889)
- Hobbs, S. ed., The Cartulary of Forde Abbey (Taunton: Somerset Record Society, 85, 1998)
- Hockey, S. F. ed., The Beaulieu Cartulary (Southampton: Southampton Records Society, 17, 1974)
- Hockey, S. F. ed., The Account-Book of Beaulieu Abbey (London: Camden Society, 4<sup>th</sup> series, volume 16, 1975)
- Hockey, S. F. ed., The Charters of Quarr Abbey (Newport: Isle of Wight Records Series, 3, 1991)
- Holdsworth, C. J. ed., Rufford Charters, 4 vols. (Nottingham: Thoroton Society Record Series, 29, 30, 32, 34, 1972-81)
- Holtzmann, W. ed., Papsturkunden in England vol. 1-3 (Berlin, 1930-1952)
- Holtzmann, W. and Kemp, E. ed., Papal Decretals Relating to the Diocese of Lincoln in the Twelfth Century (Lincoln: Lincoln Record Society, 47, 1954)
- Hoskin, P. M. ed., English Episcopal Acta XIII: Worcester 1218-1268 (Oxford: Oxford University Press for the British Academy, 1997)

Hoskin, P. M. ed., English Episcopal Acta XXII: Chichester 1215-1253 (Oxford: Oxford University Press for the British Academy, 2001)

Hoskin, P. M. ed., English Episcopal Acta XXIII: Chichester 1254-1305 (Oxford: Oxford University Press for the British Academy, 2001)

Hoskin, P. M. ed., English Episcopal Acta XIII: Worcester 1218-1268 (Oxford: Oxford University Press for the British Academy, 1997)

Howland, A. C. ed. and trans., Ordeals, compurgation, excommunication and interdict (Philadelphia: University of Pennsylvania, 1898)

Howlett, R. ed., Chronicles of the Reign of Stephen, Henry II and Richard I, 4 vols. (London: Rolls Series, 82, 1885-9)

Hughes, J. B. ed., The register of Walter Langton, Bishop of Coventry and Lichfield, 1296-1321 (Woodbridge: Boydell Press, Canterbury and York Society, 91, 2001)

Hulton, W. A. ed., The Coucher Book or Chartulary of Whalley Abbey, 4 vols. (Manchester: Chetham Society, 10, 11, 16, 20, 1847-9)

Jaffé, P. ed., Regesta pontificum Romanorum... ad annum 1198, 2 vols. (Leipzig: Viet, 1885-8)

James, B. S. ed. and trans., The Letters of Bernard of Clairvaux (Stroud: Sutton, 1998)

James, M. R. revised ed., Brooke, C. N. L. and Mynors, R. A. B. ed. and trans., Walter Map De Nugis Curialium, Courties' Trifles (Oxford: Clarendon Press, 1983)

Jordan, E. ed., Les registres de Clément IV (Paris: Bibliothèque des Écoles Françaises d'Athènes et de Rome, 1893)

Karn, N. ed., English Episcopal Acta XXXI: Ely 1109-1197 (Oxford: Oxford University Press for the British Academy, 2005)

Kemp, B. R. ed., English Episcopal Acta XVIII: Salisbury 1078-1217 (Oxford: Oxford University Press for the British Academy, 1999)

Kemp, B. R. ed., English Episcopal Acta XIX: Salisbury 1217-1228 (Oxford: Oxford University Press for the British Academy, 2000)

Johnson, D. P. ed., English Episcopal Acta XXVI: London 1189-1228 (Oxford: Oxford University Press for the British Academy, 2003)

Langlois, E. ed., Les registres de Nicholas IV, 2 vols. (Paris: Bibliothèque des Écoles Françaises d'Athènes et de Rome, 1887-93)

Lancaster, W. T. ed., Abstracts of the charters and other documents contained in the Chartulary of the Cistercian Abbey of Fountains in the West Riding of the the County of York, 2 vols. (Leeds: Whitehead & Son, 1915)

Lancaster, W. T. and Paley Baildon, W. ed., The Coucher Book of the Cistercian Abbey of Kirkstall (Leeds: Thoresby Society, 8, 1904)

Leclercq, J. et al., Sancti Bernardi Opera, 8 vols. (Rome: Cistercienses, 1957-77)

Lovatt, M. ed., English Episcopal Acta XIX: York 1154-1181 (Oxford: Oxford University Press for the British Academy, 2000)

Lovatt, M. ed., English Episcopal Acta XXVII: York 1189-1212 (Oxford: Oxford University Press for the British Academy, 2004)

Madden, F. ed., Matthaei Parisiensis monachi sancti albani, Historia Anglorum sive ut vulgo dicitur, Historia Minor, 3 vols. (London: Rolls Series, 44, 1866-9)

Manrique, A. ed., Cisterciensium seu verius ecclesiasticorum annalium a condito cistercio, 4 vols. (Lugduni, 1642-1659)

- McNulty, J. ed., The Chartulary of the Cistercian Abbey of Sallay in Craven, 2 vols.  
(Leeds: Yorkshire Archaeological Society Records Series, 87, 90, 1933-4)
- Meschet, L., Privilèges de l'ordre de Citeaux (Paris, 1713)
- Migne, J.-P. ed., Patrologiae Cursus Completus- Series Latina, 221 vols. (Paris : Migne, 1841-64)
- Millor, W. J., Butler, H. E. and Brooke, C. N. L. ed. and trans., Letters of John of Salisbury, 2 vols. (Oxford: Clarendon Press, 1986)
- Morey, A. and Brooke, C. N. L. ed. and trans., The Letters and Charters of Gilbert Foliot  
(Cambridge: Cambridge University Press, 1967)
- Neininger, F. ed., English Episcopal Acta XV: London 1076-1187 (Oxford: Oxford University Press for the British Academy, 1999)
- Nichols, J., The History and Antiquities of the County of Leicester, volume 3, part 2  
(London: Nichols, 1804)
- O'Dwyer, B. W. ed. and trans., Letters from Ireland, 1228-1229 (Kalamazoo, Michigan: Cistercian Publications, 1982)
- Parry, A. ed. and trans., The Rule of St. Benedict (Herefordshire: Gracewing, 2000)
- Pauli, R. ed., "Annales Dorenses (A.D. 1-1283, with a continuation to 1362)"  
Monumenta Germaniae Historica Scriptores, 27 (1885)
- Poos, L. R. ed., Lower Ecclesiastical Jurisdiction in Late-Medieval England: The Courts of the Dean and Chapter of Lincoln, 1336-1349, and the Deanery of Wisbech, 1458-1484  
(Oxford: Oxford University Press, Records of Social and Economic History, New Series 32, 2001)



- Potthast, A. ed., Regesta Pontificum Romanorum, vol. 1 (Graz: Akademische Druck- u. Verlagsanstalt, 1957)
- Powicke, F. M. ed. and trans., The Life of Ailred of Rievaulx by Walter Daniel (Oxford: Clarendon Press, 1978)
- Pressutti, P. ed., Regesta Honorii Papae III, 2 vols. (New York: Georg Olms Verlag, 1978)
- Prest, D. ed. and trans., William of Malmesbury: The Deeds of the Bishops of England (Gesta Pontificum Anglorum) (Woodbridge: Boydell Press, 2002)
- Prou, M. ed., Les registres d'Honorius IV (Paris: Bibliothèque des Écoles Françaises d'Athènes et de Rome, 1888)
- Prynne, W., An Exact Chronological vindication and historical demonastration of our British, Roman, Saxon, Danish, Norman, English Kings Supreme Ecclesiastical Jurisdiction, 3 vols. (London, 1665-8)
- Ramackers, J. ed., Papsturkunden in der Normandie (Berlin: Weidmannsche, 1932)
- Ramsey, F. M. R. ed., English Episcopal Acta X: Bath and Wells 1061-1205 (Oxford: Oxford University Press for the British Academy, 1995)
- Richards Luard, H. ed., Annales Monastici, 5 vols. (London: Rolls Series, 36, 1864-9)
- Richards Luard, H. ed., Matthaei Parisiensis monachi sancti Albani, Chronica Majora, 7 vols. (London: Rolls Series, 57, 1872-83)
- Richards Luard, H. ed., Flores Historium, vol. 3 (London: Rolls Series, 95, 1890)
- Riley, H. T. ed. and trans., The Annals of Roger de Hoveden, vol. 2, part 1 (Felinfach: Llanerch, 1997)

- Robertson, J. C. ed., Materials for the History of Thomas Becket, Archbishop of Canterbury, 7 vols. (London: Rolls Series, 67, 1875-85)
- Rymer, T. and Sanderson, R., Foedera, Conventiones, Litterae, ed. A. Clarke and F. Holbrooke, 4 vols. in 7 parts (London: Record Commission, 1816-69)
- Salter, H. E. ed., The Thame Cartulary, 2 vols. (Oxford: Oxfordshire Record Society, 25, 26, 1943-4)
- Sandler, L. F. ed., Omne bonum: a fourteenth-century encyclopedia of universal knowledge: British Library MSS Royal 6E VI-6E VII (London: Harvey Miller, 1996)
- Sayers, J. E. ed., Original Papal Documents in England and Wales from the Accession of Innocent III to the Death of Pope Benedict XI (1198-1304) (Oxford: Oxford University Press, 1999)
- Savage, H. E., The great Register of Lichfield Cathedral, known as Magnum Registrum Album (Kendal: Titus Wilson & Son, 1927)
- Smith, D. M. ed., English Episcopal Acta I: Lincoln 1067-1185 (Oxford: Oxford University Press for the British Academy, 1980)
- Smith, D. M. ed., English Episcopal Acta IV: Lincoln 1186-1206 (Oxford: Oxford University Press for the British Academy, 1986)
- Smith, D. M. ed., English Episcopal Acta XXX: Carlisle 1133-1292 (Oxford: Oxford University Press for the British Academy, 2005)
- Snape, M. G. ed., English Episcopal Acta XXIV: Durham 1153-1195 (Oxford: Oxford University Press for the British Academy, 2002)
- Snape, M. G. ed., English Episcopal Acta XXV: Durham 1196-1237 (Oxford: Oxford University Press for the British Academy, 2002)

- Soehnée, F., de Puybaudet, G., Poupardin, R. and Oliver-Martin, F. ed., Les registres de Martin IV (Paris: Bibliothèque des Écoles Françaises d'Athènes et de Rome, 1913)
- Stanhope, E. ed., Abstracts of the deeds and charters relating to Revesby Abbey, 1142-1539 (Horncastle: Morton, 1889)
- Stevenson, J. ed. and trans., The church historians of England, 5 vols. (London: Seeleys, 1853-8)
- Stevenson, J. ed., Ralph of Coggeshall, Chronicon Anglicanum (London: Rolls Series, 66, 1875)
- Stevenson, J. ed. and trans., The Chronicle of Melrose (Felinfach: Llanerch, 1991)
- Stevenson, J. ed. and trans., The History of William of Newburgh (Felinfach: Llanerch, 1996)
- Stubbs, W. ed., Chronicles and Memorials of the Reign of Richard I: Volume 2: Epistolae Cantuarienses: The Letters of the Prior and Convent of Christ Church, Canterbury from AD 1187 to AD 1199 (London: Rolls Series, 38, 1865)
- Stubbs, W. ed., The Historical Collections of Walter of Coventry, 2 vols. (London: Rolls Series, 58, 1872-3)
- Stubbs, W. ed., Radulfi de Diceto Decani Londoniensis Opera Historica: The Historical Works of Master Ralph De Diceto Dean of London, 2 vols. (London: Rolls Series, 68, 1876)
- Stubbs, W. ed., The Historical Works of Gervase of Canterbury, 2 vols. (London: Rolls Series, 73, 1879-80)
- Swift, F. B. ed., The Register of Holme Cultram, 1580-1597 (Penrith: Cumberland and Westmorland Antiquarian and Archaeological Society, Parish Register Section, 34, 1948)

- Talbot, C. H. ed., Letters from English Abbots to the Chapter at Cîteaux, 1442-1521 (London: Camden 4<sup>th</sup> Series, 4, 1967)
- Tanner, N. P. ed. and trans., Decrees of the Ecumenical Councils, vol. 1, (London: Georgetown University Press, 1990)
- Taylor, J. ed., The Kirkstall Abbey Chronicles (Leeds: Thoresby Society, 42, 1952)
- Thomas, A., Faucon, M., Digard, G. and Fawtier, R. ed., Les registres de Boniface VIII, 4 vols. (Paris: Bibliothèque des Écoles Françaises d'Athènes et de Rome, 1883-1905)
- Thomas, G. C. G. ed., The Charters of the Abbey of Ystrad Marchell (Aberystwyth: National Library of Wales, 1997)
- Van der Meer, F. ed., Atlas de l'Ordre Cistercien (Amsterdam-Brussels, 1965)
- Venables, E. ed. and trans., Chronicle of Louth Park (Lincoln: Lincolnshire Record Society, 1, 1891)
- Vincent, N. ed., English Episcopal Acta IX: Winchester 1205-1238 (Oxford: Oxford University Press for the British Academy, 1994)
- Waddell, C. ed. and trans., Narrative and legislative texts from early Cîteaux (Nuits-Saint-Georges: Cîteaux, 1999)
- Waddell, C. ed. and trans., Cistercian lay brothers : twelfth-century usages with related texts (Brecht: Cîteaux, 2000)
- Waddell, C. ed. and trans., Twelfth-century statutes from the Cistercian General Chapter (Brecht: Cîteaux, 2002)
- Walbran, J. R. ed., Memorials of the Abbey of St. Mary of Fountains, 3 vols. (Durham: Surtees Society, 42, 67, 130, 1862-1918)
- West, T. ed., The Antiquities of Furness (Cumbria: Moon, 1977)

Whitelock, D., Brett, M. and Brooke, C.N.L. ed. and trans., Councils and Synods, with other Documents Relating to the English Church, vol. 1, Part 2 (Oxford: Clarendon Press, 1981)

Zelbacher, T., Eclaircissement des Privilèges de l'Ordre de Cîteaux, sur la compilation imprimée à Paris, en 1713, par les soins de Dom Louis Meschet qui n'a pas été examinée, approuvée, confirmée ni autorisée par le chapitre général (Liège, 1714)

Zutshi, P. N. R. ed., Original Papal Letters in England 1305-1415 (Città del Vaticano: Biblioteca Apostolica Vaticana, Index Actorum Romanorum Pontificum, 5, 1990)

## Secondary Literature

Adams, N., "The judicial conflict over tithes," English Historical Review, 52 (1937)

Pope, Church and City: Essays in Honour of Brenda M. Bolton, ed. F. Andrews, C. Egger and C. M. Rousseau (Leiden: Brill, 2004)

Aveling, J. B., The History of Roche Abbey (London, 1870)

Baker, D., "The Foundation of Fountains Abbey," Northern History, 4 (1969)

Baker, D., "Viri religiosi and the York election dispute," in Councils and Assemblies, ed. G. J. Cuming and D. Baker (London: Cambridge University Press, Studies in Church History, 7, 1971)

Baker, D., "Legend and Reality: The case of Waldef of Melrose," Church Society and Politics, ed. D. Baker (Oxford: Blackwells, Studies in Church History, 12, 1975)

Baker, D., "Old wine in new bottles" in Renaissance and renewal in christian history, ed. D. Baker (Oxford: Blackwell, Studies in Church History, 14, 1977)

Barefield, J. P., "Peter des Roches, bishop of Winchester and the papal interdict on England 1208-14," in Medieval and Other Studies in honour of Floyd Seyward Lear, ed. K. F. Drew (Houston, Texas: Rice University Studies, 60) (1975)

Barley, M. W., "Cistercian Land Clearances in Nottinghamshire: Three deserted villages and their moated successor," Nottingham Medieval Studies, 1 (1957)

Barlow, F., "The English, Norman and French councils called to deal with the papal schism of 1159," English Historical Review, 51 (1936)

Barlow, F., The English Church 1066-1154, (London: Longman, 1979)

Barlow, F., Thomas Becket (Avon: The Bath Press, 1986)

- Barnes, G. D., Kirkstall Abbey, 1147-1539: An Historical Study (Leeds: Thoresby Society, 58, 1984)
- Barraclough, G., The Medieval Papacy (London: Thames and Hudson, 1972)
- Barrell, A. D. M., "The papacy and the regular clergy in Scotland in the fourteenth century," in Records of Scottish Church History Society, 24 (1991)
- Bartlett, R., England Under the Norman and Angevin Kings, 1075-1225 (Oxford: Oxford University Press, 2000)
- Bazeley, W., "The Abbey of St. Mary, Hayles," Transactions of the Bristol and Gloucestershire Archaeological Society, 22 (1899)
- Bell, D.N., "The Books of Meaux Abbey," Analecta Cisterciensia, 40 (1984)
- Bell, D.N., "A Cistercian at Oxford: Richard Dove of Buckfast and London BL Sloane 513," Studia Monastica, 13 (1989)
- Bell, D.N., "The library of Cîteaux in the fifteenth century: *Primus inter pares* or *unus inter multos*?" Cîteaux, 50 (1999)
- Bell, D.N., "Printed books in English Cistercian Monasteries," Cîteaux, 53 (2002)
- Bell, D.N., "The libraries of religious houses in the late middle ages," in The Cambridge History of Libraries in Britain and Ireland, ed. E. Leedham-Green and T. Webber, vol. 1 (Cambridge: Cambridge University Press, 2006)
- Bell, H. I., "A register of Fountains abbey," British Museum Quarterly, 7 (1933)
- Bennett, J. M., "Writing Fornication: Medieval Leyrwite and its Historians," Transactions of the Royal Historical Society, 13 (2003)
- Benson, R. and Constable, G. ed., Renaissance and Renewal in the Twelfth Century (Cambridge, Mass: Harvard University Press, 1982)

- Benz, A., "Die Cistercienser Bullarien," Cistercienser-Chronik, 26 (1914)
- Bere, A. J., Buckland Monachorum (Plymouth, 1930)
- Beresford, M., The Lost Villages of England (London, 1954)
- Berlière, U., "L'exercice du ministère paroissial par les moines dans le haut Moyen-Age," Revue Bénédictine, 39 (1927)
- Berlière, U., "L'exercice du ministère paroissial par les moines du XIIe au XVIII siècle," Revue Bénédictine, 39 (1927)
- Berlière, U., "Les Archidiaconés ou exemptions privilégiées de monastères," Revue Bénédictine, 40 (1928)
- Berman, C. H., "Cistercian Women and tithes," Cîteaux, 49 (1998)
- Berman, C. H., The Cistercian Evolution (Philadelphia: University of Pennsylvania Press, 2000)
- Berman, C. H., "A response to McGuire and Waddell," Cîteaux, 53 (2002)
- Bethell, D., "The Foundation of Fountains Abbey and the state of St Mary's, York in 1132," Journal of Ecclesiastical History, 17 (1966)
- Biller, P. and Minnis, A. J. ed., Handling Sin: Confession in the Middle Ages (Woodbridge, Suffolk: York Studies in Medieval Theology 2, 1998)
- Birch, W., "Collections towards the History of the Cistercian Abbey of Stanley in Wiltshire," ed. Wiltshire Archaeological and Natural History Magazine, 15 (1875)
- Birch, W., A History of Neath Abbey Derived from Original Documents (Neath: Richards, 1902)
- Bishop, T. A. M., "Monastic granges in Yorkshire," English Historical Review, 51 (1936)



- Bloomfield, M. W., "A preliminary list of incipits of latin works on the virtues and vices," Traditio, 11 (1955)
- Bloomfield, M. W. et al., Incipits of Latin Works on the Virtues and Vices, 1100-1500 AD (Cambridge, Massachusetts, 1979)
- Blumenthal, U.-R., "Papal Registers in the twelfth century," in Proceedings of the Seventh International Congress of Medieval Canon Law (Cambridge, 23-27 July 1984), ed. P. Linehan (Vatican City: Biblioteca Apostolica Vaticana, 1988)
- Blundell, J. H., Toddington: Its Annals and People (Guildford, 1925)
- Bock, C. "Les Cisterciens et l'étude du droit," Analecta Sacri Ordinis Cisterciensis, 7 (1951)
- Bolton, B., The Medieval Reformation (London: Edward Arnold, 1983)
- Bolton, B., "Via Ascetica: A Papal Quandry," Monks, Hermits and the Ascetic Tradition, ed. W.J. Sheils (Oxford: Blackwell, Studies in Church History, 22, 1985)
- Bolton, B., "For the See of Simon Peter: the Cistercians at Innocent III's nearest frontier" in Monastic Studies, ed. J. Loades, vol. 1 (Bangor, Gwynedd: Headstart History, 1990)
- Bolton, B., "Non ordo sed horror: Innocent III's Burgundian Dilemma," in Papauté, monachisme et théories politiques: études d'histoire médiévales offertes à Marcel Pacaut, ed. M. Lorcin, P. Guichard, J.M. Poisson, M. Rubellin (Lyon: Presses universitaires de Lyon, 1994)
- Bolton, B., Innocent III: Studies on Papal Authority and Pastoral Care (Aldershot: Variorum, 1995)

- Bolton, B. and Duggan, A. J., Adrian IV The English Pope (1154-1159) Studies and Texts (Aldershot: Ashgate, 2003)
- Bossy, J., "The social history of confession in the age of the reformation," Transactions of the Royal Historical Society, 25, (1975)
- Bouchard, C. B., "Cistercian Ideals versus Reality: 1134 Reconsidered," Cîteaux Commentarii Cistercienses, 39 (1988)
- Bouchard, C. B., "Forging Papal Authority: Charters from the Monastery of Montier-en-Der," Church History, 69 (2000)
- Bouchard, C. B., "Review: The Cistercian Evolution," Journal of Religion, 81 (2001)
- Bouchard, C. B., "Monastic Cartularies: Organizing Eternity," in Charters, Cartularies and Archives: The preservation and transmission of documents in the medieval west, ed. A. J. Kosto and A. Winroth (Toronto: Pontifical Institute of Medieval Studies, 2002)
- Boureau, A., "How the Law came to the Monks: The use of Law in English Society at the Beginning of the Thirteenth Century," Past and Present, 167 (2000)
- Boureau, A., La Loi du Royaume (Paris: Belles Lettres, 2001)
- Bowker, M., "Some Archdeacons' Court Books and the Commons' Supplication Against the Ordinaries of 1532," in The Study of Medieval Records, Essays in Honour of Kathleen Major, ed. D. A. Bullough, and R. L. Storey (Oxford: Oxford University Press, 1971)
- Breitschopf, R., "De regularium exemptione," Studien und Mitteilungen aus dem Benedictiner- und dem Cistercienser-Orden, 21 (1900)
- Brentano, R., Rome before Avignon: A social history of thirteenth century Rome (London: Longmans, 1974)

- Brentano, R., Two Churches: England and Italy in the Thirteenth Century (Berkeley: University of California Press, 1988)
- Brighton, F., The Tales of Ipstones (Dudley, 1937)
- Brixius, J. M., Die Mitglieder des kardinalskollegium von 1130 bis 1181 (Berlin: Trenkel, 1912)
- Bresslau, H., Handbuch der urkundenlehre für Deutschland und Italien, 2 vols. (Berlin: Gruyter, 1958)
- Brett, M., The English Church under Henry I, (Oxford: Oxford University Press, 1975)
- Brooke, C. N. L., Medieval Church and Society (London: Sidgwick & Jackson, 1971)
- Brooke, C. N. L., The Monastic World, 1000-1300 (London: Elek, 1974)
- Brooke, C. N. L., "Monk and Canon: Some Patterns in the Religious Life of the Twelfth Century," in Monks, Hermits and the Ascetic Tradition, ed. W. J. Sheils (Oxford: Blackwell, Studies in Church History, 22, 1985)
- Brooke, C. N. L., The Medieval Idea of Marriage (Oxford: Oxford University Press, 1991)
- Brooke, Z. N., "The Effect of Becket's Murder on Papal Authority in England," Cambridge Historical Journal, 2 (1928)
- Brundage, J. A., 'A twelfth century Oxford disputation concerning the privileges of the Knights Hospitallers'. Mediaeval Studies, 24 (1962)
- Brundage, J. A., Law, Sex, and Christian Society in the Middle Ages (London: University of Chicago Press, 1987)
- Brundage, J. A., "The profits of the law: legal fees of university-trained advocates," The American journal of Legal History, 32 (1988)

- Brundage, J. A., "The bar of Ely consistory court in the fourteenth century: Advocates, proctors and others," Journal of Ecclesiastical History, 43 (1992)
- Brundage, J. A., Sex, Law and Marriage in the Middle Ages (Aldershot: Variorum, 1993)
- Brundage, J. A., Medieval Canon Law (London: Longman, 1999)
- Buczek, D. S., "medieval taxation, the French crown, the papacy, and the Cistercian Order," Analecta Cisterciensia, 25 (1969)
- Buczek, D. S., "Pro defendendis ordinis: the French Cistercians and their Enemies," in Studies in Medieval Cistercian History presented to Jeremiah F. O'sullivan, ed. B. Pennington (Shannon: Irish University Press, 1971)
- Bulst, N., Untersuchungen zu den Klosterreformen Wilhelms von Dijon (962-1031) (Bonn: Roehrscheid, 1973)
- Burgess, C. and Duffy, E. ed., The Parish in Late Medieval England (Donington: Shaun Tyas, 2006)
- Burns, C., 'Sources of British and Irish History in the Instrumenta Miscellanea of the Vatican Archives,' Archivum historiae pontificiae, 9 (1971)
- Burton, J., "Monasteries and parish churches in eleventh- and twelfth-century Yorkshire," Northern History, 23 (1987)
- Burton, J., Monastic and Religious Orders in Britain, 1000-1300 (Cambride: Cambridge University Press, 2002)
- Burton, J., "The Estates and Economy of Rievaulx Abbey in Yorkshire," Cîteaux: Commentarii Cistercienses, 49 (1998)
- Burton, J., The Monastic Order in Yorkshire, 1069-1215 (Cambridge: Cambridge University Press, 1999)

- Burton, J., "Priory and Parish: Kirkham and its Parishoners, 1496-7" in Monasteries and Society in Medieval Britain, ed. B. Thompson (Stamford: Paul Watkins, Harlaxton Medieval Studies, 6, 1999)
- Burton, J., "The Monastic World," in England and Europe in the Reign of Henry III (1216-1272), ed. B. K. Weilen and I. W. Rowlands (Aldershot: Ashgate, 2002)
- Caillet, L., "Bulle de Pape Alexandre IV," Revue Mabillon, 7 (1911-12)
- Callahan jr, T., "King Stephen and the Black Monks," Revue Bénédictine, 85 (1975)
- Canavan, T., "When the abbot laid down the law", Ulster local studies, 12 (1990)
- Canivez, J. M., "Étonnantes concessions pontificales faites à Cîteaux," in Miscellanea historica in honorem Alberti de Meyer, vol. 1 (Louvain: Bibliothèque de l'Université, 1946)
- Capp, B. S., "The Double Standard Revisited: plebeian women and male sexual reputation in Early modern England," Past and Present, 162 (1999)
- Carpenter, D. A., "Abbot Ralph of Coggeshall's account of the last years of King Richard and the first years of King John," English Historical Review, 113 (1998)
- Carpenter, D. A., Struggle for Mastery (Oxford: Oxford University Press, 2003)
- Carver, A., The Story of Duntisbourne Rous (Gloucester: Smith, 1968)
- Cheney, C. R., "The Papal Legate and the English Monasteries in 1206," English Historical Review, 46 (1931)
- Cheney, C. R., "Some Papal Privileges," Bulletin of the Institute of Historical Research, 21 (1946)
- Cheney, C. R., "King John and the Papal Interdict," Bulletin of the John Rylands Library, 31 (1948)

Cheney, C. R., "King John's reaction to the interdict on England" Transactions of the Royal Historical Society, 4th series, 31 (1949)

Cheney, C. R., English Bishops' Chanceries, 1100-1250 (Manchester: Manchester University Press, 1950)

Cheney, C. R., From Becket to Langton (Manchester: Manchester University Press, 1965)

Cheney, C. R., "A papal privilege for Tonbridge Priory," Bulletin of the Institute of Historical Research, 38 (1965)

Cheney, C. R., "A recent view of the General Interdict on England, 1208-1214," in Studies in Church history, ed. G. J. Cuming, vol. 3 (Leiden: Brill, 1966)

Cheney, C. R., "On the Cheltenham (Phillipps) Manuscripts and some others described in *Papsturkunden in England* 3.73-87," Traditio, 23 (1967)

Cheney, C. R., English Synodalia of the thirteenth century (Oxford: Oxford University Press, 1968)

Cheney, C. R., "Some Features of Surviving Original Papal letters to England," Annali della scuola speciale per archivisti e bibliotecari dell'universita di Roma, 12 (1972)

Cheney, C. R., Notaries Public in England in the Thirteenth and Fourteenth centuries (Oxford: Clarendon Press, 1972)

Cheney, C. R., "A Letter of Pope Innocent III and the Lateran Decree on Cistercian Tithe-paying," in C. R. Cheney, Medieval Texts and Studies (Oxford: Clarendon Press, 1973)

Cheney, C. R., "English Cistercian Libraries: The First Century," in C. R. Cheney, Medieval Texts and Studies (Oxford: Clarendon Press, 1973)

- Cheney, C. R., Pope Innocent III and England (Stuttgart: Anton Hiersemann, 1976)
- Cheney, C. R. and Cheney, M. G. ed., Studies in the Collections of Twelfth-Century Decretals from the papers of the late Walther Holtzmann (Città Del Vaticano: Biblioteca Apostolica Vaticana, 1979)
- Cheney, C. R., "Early Norman Monastic Visitations: a Neglected Record," Journal of Ecclesiastical History, 33 (1982)
- Cheney, C. R., Episcopal Visitation of Monasteries in the Thirteenth Century (Manchester: Manchester University Press, 1983)
- Cheney, M. G., "The Compromise of Avranches of 1172 and the spread of Canon law in England," English Historical Review, 56 (1941)
- Cheney, M. G., Roger, Bishop of Worcester 1164-1179 (Oxford: Clarendon Press, 1980)
- Chenu, M.-D., Nature, Man and Society in the Twelfth Century: Essays on New Theological Perspectives in the Latin West, trans. J. Taylor and L. K. Little (Chicago: University of Chicago Press, 1968)
- Chew, H. M., The English Ecclesiastical Tenants-in-Chief and Knight Service (Oxford: Oxford University Press, 1932)
- Church, S. D. ed., King John : new interpretations (Woodbridge: Boydell, 1999)
- Clanchy, M., From Memory to Written Record (London: Blackwells, 2000)
- Clarke, P. D., "The Interdict and popular resistance," in Pope, Church and City: Essays in Honour of Brenda M. Bolton, ed. F. Andrews, C. Egger and C. M. Rousseau (Leiden: Brill, 2004)
- Clarke, P. D., The Interdict in the Thirteenth Century: A question of Collective guilt (Oxford: Oxford University Press, 2007)

- Clay, C. T., "The early abbots of the Yorkshire Cistercian houses" Yorkshire Archaeological Journal, 38 (1952)
- Constable, G., Monastic Tithes (Cambridge: Cambridge University Press, 1964)
- Constable, G., Medieval monasticism: A Select Bibliography (Toronto: University of Toronto Press, 1976)
- Constable, G., "Monasteries, Rural Churches and the *cura animarum* in the Early Middle Ages," in Settimane di studio del Centro italiano di studi sull' alto medioevo, 28 (1982)
- Constable, G., "Review: The Cistercian Evolution," English Historical Review, 115 (2000)
- Constable, G., The Reformation of the Twelfth Century (Cambridge: Cambridge University Press, 2002)
- Coppack, G., Fountains Abbey : the Cistercians in northern England (Stroud: Tempus, 2003)
- Coulton, G. G., Five Centuries of Religion, 4 vols. (Cambridge: Cambridge University Press, 1923-50)
- Cross, C., "Community, solidarity among Yorkshire religious after the dissolution" in Monastic studies: the continuity of tradition, ed. J. Loades (Bangor, Gwynedd: Headstart History, 1990)
- Crouch, D., The Reign of King Stephen, 1135-1154 (London: Longman, 2000)
- d'Avray, D. L., The Preaching of the Friars: Sermons diffused from Paris before 1300 (Oxford: Clarendon Press, 1985)



- d'Avray, D. L., "Papal Authority and Religious Sentiment in the Late Middle Ages," in The Church and Sovereignty, c.590-1918. Essays in Honour of Michael Wilks, ed. D. Wood (Oxford: Blackwell, Studies in Church History, Subsidia 9, 1991)
- d'Avray, D. L., "Printing, Mass Communication and Religious Reformation: The Middle Ages and After," in The Uses of Script and Print, 1300-1700, ed. J. Crick and A. Walsham (Cambridge: Cambridge University Press, 2004)
- d'Avray, D. L., Medieval Marriage: Symbolism and Society (Oxford: Oxford University Press, 2005)
- Dahmus, J. H., "Richard II and the Church," Catholic Historical Review, 39 (1953-4)
- Daux, C., "La protection apostolique au moyen-âge" in Revue des Questions historiques, 72 (1902)
- Davidson, J., The History of Newenham Abbey in the County of Devon (London: Longman, 1843)
- Davis, G. R. C., Medieval Cartularies of Great Britain (London: Longmans, 1958)
- Davis, H. W. C., England Under the Normans and Angevins, 1066-1272 (London: Methuen, 1924)
- Davis, R. H. C., King Stephen (London: Longman, 1990)
- Davies, W., "The composition of the Redon Cartulary," Francia, 17 (1990)
- Dawkins, F. V. and Eeles, F. C., Church of St. Andrew Old Cleeve (Middlesbrough: Hood, 1936)
- De Jong, M., "Power and Humility in Carolingian Society: The Public Penance of Louis the Pious," Early Medieval Europe, 1 (1992)

- Declercq, G., "Originals and Cartularies: the organization of archival memory (ninth-eleventh centuries)," in Charters and the Use of the Written word in Medieval Society, ed. K. Heidecker (Turnhout: Brepols, 2000).
- Dehio, L., Innozenz IV und England (Berlin: Goeschen, 1914)
- Denton, J. H., English Royal Free Chapels 1100-1300 (Manchester: Manchester University Press, 1970)
- Desmond, L. A., "The Statute of Carlisle and the Cistercians, 1298-1369," in Studies in Medieval Cistercian History presented to Jeremiah F. O'sullivan, ed. B. Pennington (Shannon: Irish University Press, 1971)
- Desmond, L. A., "The Appropriation of Churches by the Cistercians in England to 1400," Anelecta Cisterciensis, 31 (1975)
- Dickins, M., A Thousand Years in Tardebigge (Birmingham: Cornish brothers, 1931)
- Dickson, G., "Master John of Toledo (Tolet) the "Albus Cardinalis" (D. 1275) in Perugia; st. Juliana's head; and a midfourteenth-century calendar from santa Giuliana di Perugia in the University of Edinburgh Library (EUL.MS. 29)," in Bollettino della deputazione di storia partia per l'umbria, 81 (1984)
- Donahue, C., "The canon law on the formation of marriage and social practice in the later middle ages," Journal of Family History, 8 (1983)
- Donahue, C., "The Monastic Judge: Social Practice, Formal Rule, and the Medieval Canon Law of Incest," in De iure canonico medii aevi: Festschrift für Rudolf Weigand, ed. P. Landau and M. Petzolt (Rome: Studia Gratiana, 27, 1996)

- Donahue, C. ed., The Records of the Medieval Ecclesiastical Courts: Part I: The Continent (Berlin: Duncker & Humblot, Comparative Studies in Continental and Anglo-American Legal History, 6, 1989)
- Donahue, C. ed., The Records of the Medieval Ecclesiastical Courts: Part II: England (Berlin: Duncker & Humblot, Comparative Studies in Continental and Anglo-American Legal History, 7, 1994)
- Donkin, R. A., The Cistercians (Toronto: University of Toronto Press, 1978)
- Donkin, R. A., "Settlement and Depopulation of Cistercian Estates during the Twelfth and Thirteenth Centuries especially in Yorkshire," Bulletin of the Institute of Historical Research, 33 (1960)
- Donkin, R. A., "The Cistercian Grange in England in the 12<sup>th</sup> and 13<sup>th</sup> Centuries, with special reference to Yorkshire," Studia Monastica, 6 (1964)
- Donkin, R. A., "A check list of printed works relating to the Cistercian Order as a whole and to the houses of the British Isles in Particular," Documentation Cistercienne, 2 (1969)
- Donnelly, J. S., "Changes in the Grange Economy of English and Welsh Cistercian Abbeys 1300-1540," Traditio, 10 (1954)
- Donnelly, J. S., The decline of the Medieval Cistercian Laybrotherhood (New York: Fordham University Studies, 1949)
- Douie, D. L., Archbishop Pecham (Oxford: Clarendon Press, 1952)
- Douie, D. L., Archbishop Geoffrey Plantagenet and the Chapter of York (York: St Anthony's Press, 1960)
- Dubois, J., "Les orders religieux au XII<sup>e</sup> siècle selon la curie romaine," Revue Bénédictine, 78 (1968)

- Dudley, M., "The Monastic Priest," in Monastic Studies, ed. J. Loades, vol. 2 (Bangor, Gwynedd: Headstart History, 1991)
- Duggan, A. J., Thomas Becket: A Textual History of his Letters (Oxford: Clarendon Press, 1980)
- Duggan, A. J., "Servus Servorum Dei," in Adrian IV The English Pope (1154-1159), ed. B. Bolton and A. J. Duggan (Aldershot: Ashgate, 2003)
- Duggan, A. J., "The English Exile of Archbishop Øystein of Nidaros (1180-83)" in Exile in the Middle Ages: Selected Proceedings from the International Medieval Congress, University of Leeds 8-11 July 2002, ed. L. Napran and E. van Houts (Turnhout: Brepols, 2004)
- Duggan, A. J., "Henry II, the English Church, and the Papacy, 1154-1176" in Henry II. New Interpretations, ed. C. Harper-Bill and N. Vincent (Woodbridge: Boydell and Brewer, 2007)
- Duggan, C., Twelfth-Century Decretal Collections and Their Importance in English History (London: Athlone, 1963)
- Duggan, C., "Equity and Compassion in Papal Marriage Decretals to England," in Love and Marriage in the Twelfth Century, ed. W. van Hoecke, and A. Welkenhuysen (Leuven: Leuven University Press, 1981)
- Duggan, C., "Papal Judges Delegate and the Making of the "New Law" in the Twelfth Century," in C. Duggan, Decretals and the creation of "new law" in the twelfth century : judges, judgments, equity and law (Aldershot: Ashgate, 1998)

- Flahiff, G. B., "The Writ of Prohibition to Court Christian in the Thirteenth century," Medieval Studies, 6 (1944)
- Flahiff, G. B., "The Writ of Prohibition to Court Christian in the Thirteenth century. II," Medieval Studies, 7 (1945)
- Fletcher, A. J., "Preaching to the converted: sermons from Fountains Abbey, Yorkshire" in A. J. Fletcher, Preaching, politics and poetry in late-medieval England (Dublin: Four Courts, 1998)
- Fletcher, J. S., The Cistercians in Yorkshire (London: S. P. C. K., 1919)
- Foreville, R., L'Église et la Royauté en Angleterre sous Henri II Plantagnet (Paris : Bloud & Gay, 1943)
- Foulds, T., "Medieval Cartularies," Archives, 18 (1987)
- Fowler, J. K., A History of Beaulieu Abbey (London: The Car Illustrated, 1911)
- Freedman, P., "A Privilege of Pope Alexander III for Sant Pau del Camp (Bercelona)," in Archivum Historiae Pontificiae, 31 (1993)
- Freedman, P., "Jurisdictional Disputes over Sant Pere d'Àger (Catalonia) in Light of New Papal Documents," in Proceedings of the Ninth International Congress of Medieval Canon Law. Munich 1992, ed. P. Landau and J. Müller (Vatican City: Biblioteca Apostolica Vaticana, 1997)
- Freeman, E., Narratives of a new order : Cistercian historical writing in England (Turnhout: Brepols, 2002)
- Freeman, E., "What makes a Monastic Order? Issues of Methodology in The Cistercian Evolution," Cistercian Studies, 37 (2002)

- Frenz, T., Papsturkunden des Mittelalters und der Neuzeit (Stuttgart: Steiner Verlag Wiesbaden, 1986)
- Fritze, R. H., "Truth hath lacked witnesse, tyme wanted light": The dispersal of the English Monastic Libraries and Protestant efforts at Preservation, ca. 1535-1625," The Journal of Library History, 18 (1983)
- Galbraith, V. H., "Press marks on the deeds of Lewes Priory", Sussex Archaeological collections, 65 (1924)
- Galbraith, V. H., "A new charter of Henry II to Battle Abbey," English Historical Review, 52 (1937)
- Gaythorpe, S. B., "Richard Esk's metrical account of Furness Abbey," Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society, 53 (1954)
- Geary, P. J., "Entre Gestion et *Gesta*," in Les Cartulaires, ed. O. Guyotjeannin, L. Morelle and M. Parisse (Paris: École des chartes, 1993)
- Geary, P. J., Phantoms of Remembrance: Memory and Oblivion at the end of the first millennium (Princeton, New Jersey: Princeton University Press, 1994)
- Genest, J-F., "La bibliothèque de Clairvaux," in *Histoire de Clairvaux* (1991)
- Genet, J-P., "Cartulaires, registres et histoire: l'exemple anglais," in le metier d'historien au moyen âge, ed. B. Guenée, (Paris : Université de Paris I Panthéon-Sorbonne, 1977)
- Genet, J-P., "Cartulaires anglais du Moyen Âge," in Les Cartulaires, ed. O. Guyotjeannin, L. Morelle and M. Parisse (Paris: École des chartes, 1993)
- Gervers, M., Dating undated medieval Charters (Woodbridge: The Boydell Press, 2000)
- Gibbs, M. and Lang, J., Bishops and Reform 1215-1272 (Oxford: Oxford University Press, 1934)

- Gibson, J. S. W., Wills and where to find them (Chichester: Phillimore, 1974)
- Gillingham, J., "Historians without hindsight : Coggeshall, Diceto and Howden on the early years of John's reign," in King John : new interpretations, ed. S. D. Church (Woodbridge: Boydell, 1999)
- Gillingham, J., Richard I (London: Yale University Press, 1999)
- Goering, J. and Mantello, F. A. C., "*Notus in Iudea Deus*: Grosseteste's Confessional Formula in Lambeth Palace MS 499," Viator, 18 (1987)
- Goetting, H., "Die klösterliche Exemtion in Nord- und Mitteldeutschland vom 8. bis zum 15. Jh." Archiv für Urkundenforschung, 14 (1936)
- Goez, E., Pragmatische Schriftlichkeit und Archivpflege der Zisterzienser: Ordenszentralismus und regionale Vielfalt, namentlich in Franken und Altbayern (1098-1525) (London: Lit Verlag, 2003)
- Gouron, A., "Canon Law in Parisian Circles Before Stephen of Tournai's *Summa*," Proceedings of the Eighth International Congress of Medieval Canon law. Monumenta Iuris Canonici Volume 9, ed. S. Chodorow (Vatican City: Biblioteca Apostolica Vaticana, 1992)
- Graham, R., "Cardinal Ottoboni and the Monastery of Stratford Langthorne," English Historical Review, 33 (1918)
- Graham, R., "The Great Schism and the English Cistercian Order," English Historical Review, 44 (1929)
- Grainger, H., History of the Church of St. Peter, Kinver (Kinver: Grainger, 1951)
- Gransden, A., "Some late thirteenth century records of an ecclesiastical court in the archdeaconry of Sudury," Bulletin of the Institute of Historical Research, 32 (1959)

- Gransden, A., Historical Writing in England c. 550 to c. 1307 (London: Routledge and Kegan Paul, 1974)
- Graves, C. V., "The Economic activities of the Cistercians in medieval England," Analecta Sacri Ordinis Cisterciensis, 13 (1957)
- Graves, C. V., "The economic activities on Cistercian estates during the twelfth and thirteenth centuries, especially in Yorkshire," Bulletin of the Institute of Historical Research (33) (1960)
- Graves, C. V., "English Cistercian Nuns in Lincolnshire," Speculum, 54 (1979)
- Graves, E. B., "The Legal significance of the Statute of Praemunire of 1353," in Anniversary essays in medieval history by students of Charles H. Haskins, ed. C. H. Taylor and J. L. LaMonte (Boston: Houghton Mifflin, 1929)
- Guyotjeannin, O., Morelle, L. and Parisse, M. ed., Les Cartulaires (Paris: École des chartes, 1993)
- Guyotjeannin, O. Pycke, J. and Tock, B.-M. ed., Diplomatique Médiévale (Turnhout: Brepols, 1993)
- Hallam, E. M., "Henry II as a Founder of Monasteries," Journal of Ecclesiastical History, 28 (1977)
- Hamilton, S., The Practice of Penance, 900-1050 (Woodbridge: The Boydell Press, 2001)
- Hamilton Thomson, A., "Medieval Doctrine of the Lateran Council of 1215," in The Cambridge Medieval History, VI, ed. J. R. Tanner, and Z. N. Brooke, (Cambridge: Cambridge University Press, 1926)
- Hamilton Thompson, A., "Diocesan Organization in the Middle Ages: Archdeacons and Rural Deans," Proceedings of the British Academy, 29 (1943)



- Hamilton Thompson, A., The English Clergy and their Organization in the later Middle Ages (Oxford: Clarendon Press, 1966)
- Hanawalt, B. A., The Ties that Bound: Peasant Families in Medieval England (Oxford: Oxford University Press, 1986)
- Harper-Smith, T. and A. ed., The Rectors of Acton (London: Acton Past and Present, 7, 1985)
- Harper-Bill, C., "Cistercian Visitation in the Late Middle Ages: the case of Hailes Abbey," Bulletin of the Institute of Historical Research, 53 (1980)
- Harper-Bill, C., "John and the Church of Rome," in King John : new interpretations, ed. S. D. Church (Woodbridge: Boydell, 1999)
- Harris, B. E. ed., A History of the County of Chester, 5 vols. (London: Oxford University Press, 1987-2005)
- Harris, H., The Church on the Hill: An Account of the Church, People, and Parish of Buckfastleigh (Tiverton: Devon Books, 1996)
- Hartcher, G. N., "Coggeshall abbey: the first hundred years" Journal of Religious History, 12 (1982)
- Hartridge, R. A. R., A History of Vicarages in the Middle Ages (Cambridge: Cambridge University Press, 1930)
- Haskins, C. H., Norman Institutions (Cambridge, Massachusetts: Harvard University Press, 1925)
- Haskins, C. H., The Renaissance of the Twelfth Century Cambridge, Massachusetts: Harvard University Press, 1927)
- Hays, R. W., The History of Aberconway (Cardiff: University of Wales Press, 1963)

- Heath, P., English Parish Clergy on the Eve of the Reformation (London: University of Toronto Press, 1969)
- Helmholz, R. H., Marriage Litigation in Medieval England (Cambridge: Cambridge University Press, 1974)
- Helmholz, R. H., "Excommunication as a Legal Sanction: The Attitudes of the Medieval Canonists," in R. H. Helmholz, Canon Law and the Law of England, (London: Hambledon Press, 1987)
- Helmholz, R. H., "Crime, compurgation and the courts of the medieval church," in R. H. Helmholz, Canon law and the law of England (London: Hambledon Press, 1987)
- Helmholz, R. H., "The Papacy in the Canon Law: The law of Papal Privileges," in R. H. Helmholz, R. H., The Spirit of Classical Canon Law (Athens: University of Georgia Press, 1996)
- Helmholz, R. H., "Haboring Sexual offenders: Ecclesiastical courts and controlling misbehavior," Journal of British Studies, 37 (1998)
- Hennessy, G., Novum Repertorium Ecclesiasticum Parochiale Londinense or London Diocesan Clergy Succession From the Earliest Time to the Year 1898 (London: Swan Sonnenschein, 1898)
- Hennessy, G., Chichester Diocese Clergy Lists (London, 1900)
- Herde, P., "Papal formularies for letters of justice (13<sup>th</sup>-16<sup>th</sup> centuries): their development and significance for medieval canon law," in Proceedings of the Second International Congress of Medieval Canon Law, ed. S. Kuttner and J. J. Ryan (Vatican City: Biblioteca Apostolica Vaticana, 1965)

- Hermans, V., "Notes historiques sur le procureur général de l'ordre de Cîteaux," Analecta Cisterciensia, 24 (1968)
- Hiatt, A., The making of Medieval forgeries (London: University of Toronto Press, 2004)
- Hibbert, F. A., Croxden Abbey: Its buildings and History (Colchester: Spottiswoode & Co., 1912)
- Hill, R., "The Theory and Practice of Excommunication in Medieval England," History, 36 (1957)
- Hill, B. D., "Archbishop Thomas Becket and the Cistercian Order," Analecta Cisterciensia, 27 (1971)
- Hill, B. D., English Cistercian Monasteries and their Patrons in the Twelfth Century (Urbana: University of Illinois Press, 1968)
- Hill, R., "Public Penance: Some Problems of a thirteenth-century bishop," History, 10 (1951)
- Hill, R., "Bishop Sutton and his Archives: a study in the keeping of records in the thirteenth century," Journal of Ecclesiastical History, 2 (1951)
- Hirsch, H., Die Klosterimmunität seit dem Investiturstreit (Darmstadt: Wissenschaftliche Buchgesellschaft, 1967)
- Hirsch, H., "Untersuchungen zur Geschichte des päpstlichen Schutzes," Mittelilungen des Österreichischen Instituts für Geschichtsforschung, 54 (1942)
- Hockey, S. F., Quarr Abbey and its Lands, 1132-1631 (Leicester: Leicester University Press, 1970)
- Hockey, S. F., Beaulieu: King John's Abbey (London: Pioneer Publications, 1976)

- Hodges, G., Fountains abbey: the story of a mediaeval monastery (London: Murray, 1904)
- Hodges, R., Poulter, M. and Wildgoose, M., "the Medieval grange at Roystone Grange," Derbyshire archeological journal, 102 (1982)
- Holdsworth, C., "John of Ford and the Interdict" English Historical Review, 78 (1963)
- Holdsworth, C., "The Cistercians in Devon," in Studies in medieval history presented to R. Allen Brown, ed. C. Harper-Bill, C. Holdsworth, J.L. Nelson (Woodbridge: Boydell Press, 1989)
- Holdsworth, C., "Royal Cistercians," in Thirteenth century England IV, ed. P.R. Cross and S. D. Lloyd (Woodbridge: The Boydell Press, 1992)
- Holdsworth, C., "The Affiliation of Savigny," Truth as Gift: Studies in Cistercian History in Honor of John R. Sommerfeldt, ed. M. L. Dutton, D. LaCorte and P. Lockey (Kalamazoo, Michigan: Cistercian Publications, 2004)
- Holtzmann, W., "Die register papst Alexander III in den händen der kanonisten,"
- Homans, G. C., English Villagers of the Thirteenth Century (Cambridge, Massachusetts: Harvard University Press, 1942)
- Horden, P. ed., Freedom of Movement in the Middle Ages (Donington: Shaun Tyas, 2007)
- Hope, W. H., "Fountains Abbey" Yorkshire Archaeological Journal, 15 (1900)
- Hoskin, P., "Medieval Cartularies of Great Britain: Amendments and additions to the Davis Catalogue," Monastic Research Bulletin, 2 (1996)
- Hourlier, J., L'Âge Classique (1140-1378): Les Religieux (Paris : Histoire du Droit et des Institutions de L'Église en Occident, 10, 1974)

- Howell, M., "The children of King Henry III and Eleanor of Provence" in Thirteenth-century England, vol. 4 : the proceedings of the Newcastle upon Tyne conference, 1991, ed. P. R. Coss, and S. D. Lloyd (Woodbridge: Boydell, 1992)
- Howell, M., Eleanor of Provence (Oxford: Blackwell, 1998)
- Howse, J. S., Denchworth through the Centuries (Stanford-in-the-Vale, 1967)
- Humphrey, W., the Cistercian abbey of St Mary, Garendon (Loughborough: Loughborough University, 1981)
- Hunt, J. F. and Dickins, L., History of Radway (Long Compton: The King-Stone Press, 1937)
- Idris Bell, H., "A list of Original Papal Bulls and Briefs in the Department of Manuscripts, British Museum," English Historical Review, 36 (1921)
- Idris Bell, H., "A list of Original Papal Bulls and Briefs in the Department of Manuscripts, British Museum (Continued)," English Historical Review, 36 (1921)
- Jacob, E. F., essays in later medieval history (Manchester: Manchester University Press, 1968)
- Jamroziak, E., "Rievaulx Abbey as a wool producer in the late thirteenth century: Cistercians, sheep, and debts" Northern History, 40 (2003)
- Jamroziak, E., Rievaulx Abbey and its social context, 1132-1300: Memory, locality and networks (Turnout: Brepols, 2005)
- Jamroziak, E. and Burton, J. ed., Religious and Laity in Western Europe 1000-1400: Interaction, Negotiation, and Power (Turnout: Brepols, 2006)

- Johnstone, H., "Archbishop Pecham and the council of Lambeth of 1281," in Essays in Medieval history presented to Thomas Frederick Tout, ed. A. G. Little and F. M. Powicke (Manchester: Manchester University Press, 1925)
- Karras, R. M., "The Regulation of Brothels in Later Medieval England," Signs, 14 (1989)
- Karras, R. M., "The Latin Vocabulary of Illicit Sex in English Ecclesiastical Court Records," Journal of Medieval Latin, 2 (1990)
- Karras, R. M., "Two Models, Two Standards: Moral Teaching and Sexual Mores," in Bodies and Disciplines: Intersections of literature and history in fifteenth-century England, ed. B. A. Hanawalt and D. Wallace (London: University of Minnesota Press, 1996)
- Kennan, E., "The 'De consideratione' of St. Bernard of Clairvaux and the papacy in the mid-twelfth century: A review of scholarship," Traditio, 23 (1967)
- Kelley, J. N. D., The Oxford Dictionary of Popes (Oxford: Oxford University Press, 1986)
- Biddulph ("by the Diggings"): A Local History, ed. J. Kennedy (Keele: University of Keele, 1980)
- Kerr, J., "Monastic Hospitality: the Benedictines in England, c. 1070-c. 1245," in Anglo-Norman Studies, 23 (2000)
- Kerr, J., "The Open Door: Hospitality and Honour in Twelfth/Early Thirteenth-Century England", History, 87 (2002)
- Ker, N. R., Medieval Libraries of Great Britain (London: Royal Historical Society, 1964)

- Ker, N. R., "The Migration of Manuscripts from the English Medieval Libraries," in N. R. Ker, Books, Collectors and Libraries: Studies in the medieval Heritage (London: The Hambledon Press, 1985)
- King, A. A., Cîteaux and her elder daughters (London: Burns and Oates, 1954)
- King, H. P., 'Cistercian Financial Organization, 1335-92,' Journal of ecclesiastical history, 24 (1973)
- King, P., The Finances of the Cistercian Order in the Fourteenth Century (Kalamazoo, Michigan: Cistercian Publications, 1985)
- Kingsford, C. L., Historical Manuscripts Commission: Report on the Manuscripts of Lord de L'Isle and Dudley preserved at Penshurst Place, vol. 1 (London: HMSO, 1925)
- Knowles, D., "Abbatial Elections," Downside Review, 49 (1931)
- Knowles, D., "The Growth of Exemption," Downside Review, 50 (1932)
- Knowles, D., "The case of William of York," Cambridge Historical Journal, 5 (1936)
- Knowles, D., The Monastic Order in England (Cambridge: Cambridge University Press, 1950)
- Knowles, D., "The Cultural Influence of English Medieval Monasticism," Cambridge Historical Journal, 7 (1943)
- Knowles, D., The Episcopal Colleagues of Archbishop Thomas Becket (Cambridge: Cambridge University Press, 1951)
- Knowles, D., Cistercians and Cluniacs (Oxford: Oxford University Press, 1955)
- Knowles, D., "The Twelfth and Thirteenth Centuries," in The English Church and the Continent, ed. R. R. Darlington et al. (London: The Faith Press, 1959)

- Knowles, D., The Religious Orders in England, volume 1 (Cambridge: Cambridge University Press, 1962)
- Knowles, D., Saints and Scholars (Cambridge: Cambridge University Press, 1962)
- Knowles, D., The Historian and Character (Cambridge: Cambridge University Press, 1963)
- Knowles, D., "The Primitive Cistercian Documents," in Knowles, D. Great Historical Enterprises and Problems in Monastic History (London: Thomas Nelson and Sons, 1963)
- Knowles, D., Great Historical Enterprises (London: Thomas Nelson and Sons, 1963)
- Knowles, D., Thomas Becket, (London: Thomas Nelson and Sons, 1970)
- Knowles, D. and Hadock, R. N., Medieval Religious Houses (London: Longmans, 1971)
- Knowles, D., Brooke, C. N. L. and London, V. C. M. ed., The Heads of Religious Houses England and Wales 940-1216 (Cambridge: Cambridge University Press, 1972)
- Kogler, A. C., "Deux actes pontificaux inédits sue l'histoire de l'exemption de l'ordre de Cîteaux," Revue Mabillon, 18 (1928)
- Krehbiel, E. B., The Interdict: its History and its operation (Washington: The American Historical Association, 1909)
- Kuttner, S., "Methodological Problems Concerning the History of Canon Law," Speculum, 30 (1955)
- Kuttner, S. and Rathbone, E., "Anglo-Norman Canonists of the Twelfth Century: An Introductory Study," Traditio, 7 (1949-51)
- Lackner, B.K., "Early Cîteaux and the care of souls," in Noble Piety and Reformed Monasticism, ed. E. R. Elder (Kalamazoo, Michigan: Cistercian Publications, 1981)



- Lacombe, G., "An unpublished document on the great interdict (1207-1213)," Catholic Historical Review, 9 (1930)
- LaCorte, D. M., "Pope Innocent IV's role in the establishment and early success of the college of Saint Bernard in Paris," Cîteaux, 46 (1995)
- Lambert, M., Medieval Heresy (Oxford: Blackwell, 2002)
- Latham F. A. ed., Acton: The History of a Cheshire Parish and its Seventeen Townships (Nantwich: Acton Local History Group, 1995)
- Latham F. A. ed., Wrenbury and Marbury: The History of Two Parishes and the Nearby Villages (Wrenbury: The Local History Group, 1999)
- Lavoie, R. V., "English Monasteries' Techniques for Avoiding Property Disputes, 1250-1380," Comitatus: A journal of Medieval and Renaissance Studies, 23 (1992)
- Lawrence, C. H., "Stephen of Lexington and Cistercian university studies in the thirteenth century," Journal of Ecclesiastical History, 11 (1960)
- Lawrence, C. H., "An English Endowment for the Collège Saint-Bernard," Bulletin of the Institute of Historical Research, 36 (1963)
- Lawrence, C. H., Medieval Monasticism (London: Longman, 2001)
- The English Church and the Papacy in the Middle Ages, ed. C. H. Lawrence (Stroud : Sutton, 1999)
- Le Bras, G., Les Institutions ecclésiastique de la chrétienté médiévale, (Paris : Histoire de l'Église, 12, 1964)
- Lea, H. C., A History of Auricular Confession and Indulgences in the Latin Church, 3 vols. (London: Swan Sonnenschein & Co., 1896)

- Leclercq, J., "L'Interdit et l'excommunication d'après les lettres de Fulbert de Chartres," Revue historique de droit français et étranger, 4th series, 22 (1944)
- Leclercq, J., "Passage supprimé dans une épître d'Alexandre III," Revue Bénédictine, 62 (1952)
- Leclercq, J., "Épîtres d'Alexandre III sur les Cisterciens," Revue Bénédictine, 64 (1954)
- Leclercq, J., "Textes et manuscrits cisterciens à la bibliothèque Vaticane," Analecta Sacri Ordinis Cisterciensis, 15 (1959)
- Leclercq, J., "Textes et manuscrits cisterciens dans des bibliothèques des Etats-Unis", Traditio, 17 (1961)
- Leclercq, J., "On monastic priesthood according to the ancient monastic tradition," Studia Monastica, 3 (1961)
- Leclercq, J., "Textes et manuscrits cisterciens dans diverses bibliothèques," Analecta Sacri Ordinis Cisterciensis, 18 (1962)
- Leclercq, J., "Textes et manuscrits cisterciens dans diverses bibliothèques," Analecta Sacri Ordinis Cisterciensis, 20 (1964)
- Leclercq, J., "The priesthood for monks," Monastic Studies, 3 (1965)
- Leclercq, J., Bernard of Clairvaux and the Cistercian Spirit (Kalamazoo, Michigan: Cistercian Publications, 1976)
- Leclercq, J., The Love of Learning and the Desire for God (New York: Fordham University Press, 1982)
- Lee, P., "Orthodox Parish Religion and Chapels of ease in Late Medieval England: The Case of St George's Chapel in Gravesend," Archaeologia Cantiana, 119 (1999)

- Leedham-Green, E. and Webber, T. ed., The Cambridge History of Libraries in Britain and Ireland, vol. 1 (Cambridge: Cambridge University Press, 2006)
- Lefèvre, J. A. and Lucet, B., "Les condifications cisterciennes aux XIIe et XIIIe siècles d'après les traditions manuscrites," Analecta sacri ordinis cisterciensis, 15 (1959)
- Lekai, L. J., The Cistercians: Ideas and Reality (Kent, Ohio: Kent State University Press, 1977)
- Lekai, L. J., "Review: Die Privilegierung des Zisterzienserordens im Rahmen der allgemeinen Schtztund Exemtionsgeschichte vom Anfang bis zur Bulle "Parvus Fons" (1265) by Friedrich Pfürtscheller," Church History, 43 (1974)
- Lekai, L. J., The White Monks (Okauchee, Wisconsin: Our Lady of Spring Bank, 1953)
- Lemaitre, J-L., "Exemption" in Dictionnaire historique de la papauté, ed. P. Boutry (Paris : Fayard, 1994)
- Lemarignier, J. F., Étude sur les privileges d'exemption et de jurisdiction ecclésiastique des abbayes normandes depuis les origins jusqu'en 1140 (Paris: Archives de la France monastique, 44, 1937)
- Lemarignier, J. F., "L'exemption monastique et les origins de la réforme Grégorienne," in A Cluny. Congrès scientifique, ed. C. Oursel (Dijon, 1960)
- Lewis, F. R., "The Election of Richard of Cornwall as Senator of Rome in 1261," English Historical Review (1937)
- Lewis, K., Weedon St. Loys: Priory and Parish (Northants.: Weedon Lois Parochial Church Council, 1971)
- Leyser, H., Medieval Women: A Social History of Women in England 450-1500 (Oxford: Oxford University Press: 1988)

- Lindley, E. S., "Kingswood Abbey, its lands and mills," Transactions of the Bristol and Gloucestershire Archaeological Society, 72 (1954)
- Little, A. G., "Cistercian Students at Oxford in the Thirteenth Century," English Historical Review, 8 (1893)
- Little, A. G., Studies in English Franciscan History (Manchester: University of Manchester Press, 1917)
- Little, A. G. and Powicke, F. M. ed., Essays in Medieval history presented to Thomas Frederick Tout (Manchester: University of Manchester Press, 1925)
- Logan, F. D., Excommunication and the Secular Arm in Medieval England, (Toronto: Pontifical institute of Medieval studies, 1968)
- Logan, F. D., Runaway Religious in Medieval England, c. 1240-1540 (Cambridge: Cambridge University Press, 2002)
- Lunt, W. E., Financial relations of the papacy with England, 2 vols. (Cambridge, Massachusetts: Harvard University Press, 1939-62)
- Lynam, C., The Abbey of St. Mary, Croxden (London: Sprague & Co., 1911)
- Maccarrone, M., "Primato Romano e Monasteri dal Principio del Secolo XII ad Innocenzo III," in Istituzioni Monastiche e Istituzioni Canonicali in Occidente (1123-1215) (Milan: Vita e pensiero, 1980)
- Madden, J. E., "Business Monks, Banker Monks, Bankrupt Monks: The English Cistercians in the Thirteenth century," The Catholic Historical Review, 49 (1963)
- Mahn, J. B., "Le Pape Benoît XII et les Cisterciens," Bibliothèque de l'École des Hautes Études (Paris : Champion, 1944)

Mahn, J. B., L'Ordre Cistercien et son Gouvernement: Des Origines au Milieu du XIII<sup>e</sup> Siècle (1098-1265) (Paris: Boccard, 1982)

Major, K., "Original Papal Documents in the Bodleian Library," Bodleian Library Record, 3 (1951)

Marilier, J., "Catalogue des Abbés de Cîteaux pour les 13<sup>e</sup> et 14<sup>e</sup> siècles" Cistercienser Chronik, 63 (1956)

Mansfield, M. C., The Humiliation of Sinners: Public Penance in Thirteenth Century France (Ithaca, New York: Cornell University Press, 1995)

Mason, E., "*Pro Statu et Incolumnitate Regni Mei*: Royal Monastic Patronage 1066-1154," Religion and National Identity, ed. S. Mews (Oxford: Blackwell, Studies in Church History, 18, 1982)

Masschaele, J., "The Public Space of the Marketplace in Medieval England," Speculum, 77 (2002)

Matthew, D., King Stephen (London: Hambledon Press, 2002)

Mayr-Harting, H., "Henry II and the Papacy, 1170-1189," Journal of Ecclesiastical History, 16 (1965)

Mayr-Harting, H., "Master Silvester and the Compilation of Early English Decretal Collections," in Studies in church history: papers read at the second winter and summer meetings of the Ecclesiastical History Society, ed. G. J. Cuming (London: Nelson and Sons, Studies in Church History, 2, 1969)

Mayr-Harting, H. ed., St. Hugh of Lincoln (Oxford: Oxford University Press, 1987)

- Maxted, I., Abbots Bickington to Zeal Monachorum: A Handlist of Devon Parish Histories compiled on the Occasion of the Centenary of Parish Councils (Exeter: Devon County Council Libraries, 1994)
- McGuire, B., "Monastic Friendship and Toleration in the Twelfth-Century Cistercian Life," Monks, Hermits and the Ascetic Tradition, ed. W.J. Sheils (Oxford: Blackwell, Studies in Church History, 22, 1985)
- McGuire, B., "Charity and Unanimity: The Invention of the Cistercian Order, A Review Article," Cîteaux, 51 (2000)
- McGuire, B., "A reply (to Constance Berman)" Cîteaux, 53 (2002)
- McIntosh, M. K., Controlling Misbehavior in England, 1370-1600 (Cambridge: Cambridge University Press, 1998)
- McKitterick, R., The use of Literacy in Early Medieval Europe (Cambridge: Cambridge University Press, 1990)
- McNulty, J., "Constitutions for the reform of the Cistercian order, 1335," Transactions of the Lancashire and Cheshire Antiquarian Society, 57 (1943-44)
- McNulty, J., "Sally Abbey (1148-1536)," Transactions of the Lancashire and Cheshire Antiquarian Society, 54 (1939)
- McSheffrey, S., "Jurors, respectable masculinity, and Christian morality: A comment on Marjorie McIntosh's *Controlling Misbehavior*," Journal of British Studies, 37 (1998)
- Meekings, C. A. F., "The Early Years of Netley Abbey," Journal of Ecclesiastical History, 30 (1979)

- Megaw, M. I., "The Ecclesiastical Policy of Stephen, 1135-9: a reinterpretation," in Essays in British and Irish History in Honour of J. E. Todd, ed. H. A. Cronne, T. W. Moody, and D. B. Quinn (London: Muller, 1949)
- Mikkers, S., "Die Zisterzienser im Kirchenstreit zeichen Papst Alexander III und Kaiser Fredrich I Barbarossa," Cistercienser-Chronik, 3 (1922)
- Milner, R. ed., Cheddleton, North Staffordshire: A Village History (Cheddleton: Cheddleton Historical and Archaeological Society, 1983)
- Mitchell, S. K., Studies in Taxation under John and Henry III (New Haven: Yale University Press, 1914)
- Mollat, G., The Popes at Avignon, 1305-1378 (London: Thomas Nelson and Sons, 1963)
- Moorman, J. R. H., Church Life in England in the 13<sup>th</sup> Century (Cambridge: Cambridge University Press, 1946)
- Morey, A., Bartholomew of Exeter, bishop and canonist (Cambridge: Cambridge University Press, 1937)
- Morey, A., "Canonist Evidence in the case of St William of York," Cambridge Historical Journal, 10 (1952)
- Morris, C., The Discovery of the Individual 1050-1200 (London, SPCK, 1972)
- Morris, C., The Papal Monarchy: The Western Church from 1050 to 1250 (Oxford: Clarendon Press, 1991)
- Morris, R., "Monastic exemptions in tenth- and eleventh-century Byzantium" in Property and power in the early Middle Ages, ed. W. Davies and P. Fouracre (Cambridge: Cambridge University Press, 1995)

- Mullet, M., "The Reformation in the Parish of Whalley," in The Lancashire Witches: Histories and Stories, ed. R. Poole (Manchester: Manchester University Press, 2002)
- Mullin, F. A., A History of the Work of the Cistercians in Yorkshire, 1131-1300 (Washington: The Catholic University of America, 1932)
- Munz, P., Frederick Barbarossa (London: Eyre and Spottiswoode, 1969)
- Naz, R. ed., Dictionnaire de droit canonique, 7 vols. (Paris: Letouzey and Ané, 1935-65)
- Nelson, W. ed., Manwood's Treatise of the Forest Laws (London: Lintott, 1717)
- Newman, M. G., The Boundaries of Charity: Cistercian Culture and Ecclesiastical Reform, 1098-1180 (Stanford, California: Stanford University Press, 1996)
- Nicholl, D., Thurstan, 1114-1140 (York: Stonegate Press, 1964)
- Norton, C. and Park, D. ed., Cistercian Art and Architecture in the British Isles (Cambridge: Cambridge University Press, 1986)
- O'Brien, J., The exemption of religious in church law (Milwaukee: Bruce, 1943)
- O'Callahan, T., "A Reevaluation of the anarchy of Stephen's Reign, 1135-54," Revue Benedictine, 84 (1974)
- O'Sullivan, J. F., Cistercian Settlements in Wales and Monmouthshire, 1140-1540 (New York: Fordham University Press, 1947)
- Parker, T. M., "The terms of the Interdict of Innocent III" Speculum, 11 (1936)
- Parker-Mason, W. A., "The Beginnings of the Cistercian Order," Transactions of the Royal Historical Society, 19 (1905)
- Pacaut, M., Alexandre III (Paris : Vrin, 1956)



Pantin, W. A., "English Monastic Letter-books," in Historical Essays in Honour of James Tait, ed. J. G. Edwards, V. H. Galbraith and E. F. Jacob (Manchester: University of Manchester Press, 1933)

Pantin, W. A., The English Church in the Fourteenth Century (Cambridge: Cambridge University Press, 1955)

Pegge, S., An Historical Account of Beauchief Abbey (London: Nichols, 1801)

Pennington, K., "Epistolae Alexandrinae," in Miscellanea Rolando Bandinelli, papa Alessandro III. ed. F. Liotta (Siena: Accademia senese degli Intronati, 1986)

Pennington, K., Pope and Bishops: the papal monarchy in the Twelfth and Thirteenth centuries (Philadelphia: University of Pennsylvania Press, 1984)

Pennington, M. B. ed., The Cistercian Spirit (Shannon: Irish University Press, 1970)

Pennington, M. B. ed., Studies in Medieval Cistercian History presented to Jeremiah F. O'sullivan (Shannon: Irish University Press, 1971)

Perkins, V. R., "Documents Relating to the Cistercian Monastery of St. Mary, Kingswood," Transactions of the Bristol and Gloucestershire Archaeological Society, 22 (1899)

Perry, G. C., "The visitation of the monastery of Thame, 1526," English Historical Review, 3 (1888)

Peters, R., Oculus Episcopi. Administration of the Archdeaconry of St Albans 1580-1625 (Manchester: Manchester University Press, 1963)

Pfaff, V., "Sankt Peters Abteien im 12. Jahrhundert," Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung, 57 (1971)

- Pfaff, V., "Die päpstlichen Klosterexemption in Italien bis zum Ende des zwölften Jahrhunderts," Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung, 72 (1986)
- Pflüger, L., "Die Cisterzienser und das Papsttum im 12 Jahrhundert," Cistercienser-Chronik, 22 (1910)
- Pfurtscheller, F., Die Privilegierung des Zisterzienserordens im Rahmen der allgemeinen Schutz- und Exemptionsgeschichte vom Anfang bis zur Bulle "Parvus Fons" (1265) (Bern: Herbert Lang, 1972)
- Platt, C., The Monastic Grange in Medieval England (New York: Fordham University Press, 1969)
- Ponsonby, C., Wootton: The History of an Oxfordshire Parish (Oxford: Oxford University Press, 1947)
- Poos, L. R., "Sex, Lies and the Church Courts of Pre-Reformation England," Journal of Interdisciplinary History, 25 (1995)
- Poos, L. R., "The heavy handed marriage councillor" in American Journal of Legal History, 39 (1995)
- Poschmann, B. trans. Courtney, F., Penance and the Anointing of the Sick (London: Burns and Oates, 1964)
- Postles, D., "The Garendon Cartularies in BL, Lansdowne 415," British Library Journal, 22 (1996)
- Postles, D., "*Defensores Astabimus*: Garendon Abbey and its Early Benefactors," in Monasteries and Society in Medieval Britain, ed. B. Thompson (Stamford: Paul Watkins, Harlaxton Medieval Studies, 6, 1999)

- Postles, D., "Seeking the Language of Warranty of Land in Twelfth-century England," Journal of the Society of Archivists, 20 (1999)
- Postles, D., "Religious Houses and the Laity in Eleventh- to Thirteenth-Century England: An Overview," Haskins Society Journal, 12 (2002)
- Postles, D., "Penance and the market place: a reformation dialogue with the medieval church (c. 1250-1600)," Journal of Ecclesiastical History, 54 (2003)
- Powicke, F. M., 'Roger of Wendover and the Coggeshall chronicle'. English Historical Review, 21 (1906)
- Powick, M., "Maurice of Rievaulx," English Historical Review, 36 (1921)
- Powick, M., Stephen Langton (Oxford: Clarendon Press, 1997)
- Prestwich, M., Edward I (London: Methuen, 1988)
- Rabikauskas, P., Diplomatica Pontificia (Roma: Pontificia Università Gregoriana, 1998)
- Ramsay, N., "The Library and Archives 1109-1541" in A History of Ely Cathedral, ed. P. Meadows and N. Ramsay (Woodbridge: Boydell, 2003)
- Ramsay, N., "'The Manuscripts flew about like Butterflies': The Break-Up of English Libraries in the Sixteenth Century," in Lost Libraries: the destruction of great book collections since antiquity, ed. J. Raven (Basingstoke: Palgrave Macmillan, 2004)
- Ramsay, N., "The Library and archives to 1897," in St Paul's: The Cathedral Church of London 604-2004, ed. D. Keene, A. Burns and A. Saint (New Haven: Yale University Press, 2004)
- Renna, T., "St Bernard and the Episcopacy" in Cistercian Studies, 15 (1980)

- Richardson, H. G., "Cistercian Formularies," in Formularies which bear on the history of Oxford, c. 1204-1420, ed. H. E. Salter, W. A. Pantin, H. G. Richardson (Oxford: Oxford Historical Society, New Series, 5, 1942)
- Richter, M., The Formation of the Medieval West (Blackrock, Co. Dublin, Ireland: Four Courts Press, 1994)
- Robinson, D., Beneficed Clergy in Cleveland and the East Riding, 1306-1340 (York: St. Anthony's Press, Borthwick Papers, 37, 1969)
- Robinson, I. S., The Papacy, 1073-1198 (Cambridge: Cambridge University Press, 1990)
- Robinson, J. A., Somerset Historical Essays (London: Oxford University Press, 1921)
- Rösener, W., "Abbot Stephen Lexington and his efforts for reform of the Cistercian order in the thirteenth century" in Goad and Nail, ed. E. R. Elder (Kalamazoo, Michigan: Cistercian Publications, 1985)
- Rowe, J. B., "The Cistercian houses of Devon," Transactions of the Devonshire Association, 10 (1878)
- Russell, J. C., "The Clerical Population of Medieval England," Traditio, 2 (1944)
- Saltman, A., Theobald Archbishop of Canterbury (London: Athlone, 1956)
- Saltman, A., "The History of the Foundation of Dale abbey or the so-called Chronicle of Dale. A New Edition" Derbyshire Archaeological Journal, 87 (1967)
- Santifaller, L., "Papsturkunden für Domkapitel bis auf Alexander III," in Festschrift Albert Brackmann dargebracht von Freunden, Kollegen und Schülern, ed. L. Santifaller (Weimar: Boehlaus, 1931)

Santifaller, L., "Die Verwendung des Liber Diurnus in den Privilegien der Päpste von den Anfängen bis zum Ende des 11 Jahrhunderts," in Mittelilungen des Österreichischen instituts für geschichtsforschung, 49 (1935)

Sayers, J. E., "English Cistercian Cases and their Delegation in the First half of the Thirteenth Century," Analecta Sacri Ordinis Cisterciensis, 20 (1964)

Sayers, J. E., "The Judicial Activities of the General Chapters: 1," Journal of Ecclesiastical History, 15 (1964)

Sayers, J. E., "The Judicial Activities of the General Chapters: 2," Journal of Ecclesiastical History, 15 (1964)

Sayers, J. E., "The medieval care and custody of the Archbishop of Canterbury's archives," Bulletin of the Institute of Historical Research, 39 (1966)

Sayers, J. E., Papal Judges Delegate in the Province of Canterbury 1198-1254 (Oxford: Oxford University Press, 1971)

Sayers, J. E., 'Proctors representing British interests at the papal court, 1198-1415' in Proceedings, 3rd International Congress of Medieval Canon Law, ed. S. Kuttner (Vatican City: Biblioteca Apostolica Vaticana, 1971)

Sayers, J. E., "Monastic Archdeacons" in Church and Government in the Middle Ages. Essays presented to C.R. Cheney on his 70<sup>th</sup> birthday, ed. C.N.L. Brooke, D.E.

Luscombe, G.H. Martin and D.M. Owen (Cambridge: Cambridge University Press, 1976)

Sayers, J. E., Papal Government and England during the pontificate of honorius III (1216-1227) (Cambridge: Cambridge University Press, 1984)

Sayers, J. E., "Centre and Locality: Aspects of Papal administration in England in the later thirteenth century," in J. E. Sayers, Law and Records in Medieval England (London: Variorum Reprints, 1988)

Sayers, J. E., "The Court of "Audientia Litterarum Contradictarum" revisited," in Law and Records in Medieval England, ed. J. E. Sayers (London: Variorum Reprints, 1988)

Law and Records in Medieval England, ed. J. E. Sayers (London: Variorum Reprints, 1988)

Sayers, J. E., "Violence in the Medieval Cloister," Journal of Ecclesiastical History, 41 (1990)

Sayers, J. E., Innocent III: Leader of Europe 1198-1216 (London: Longman, 1994)

Sayers, J. E., "The Vatican Archives, the Papal Registers and Great Britain and Ireland: the Foundations of Historical Research," in The Foundations of Medieval English Ecclesiastical History: Studies presented to David Smith, ed. P. Hoskin, C. Brooke and B. Dobson (Woodbridge: The Boydell Press, 2005)

Scammell, G. V., Hugh du Puiset, bishop of Durham (Cambridge: Cambridge University Press, 1956)

Scammell, J., "The Rural Chapter in England from the Eleventh to the Fourteenth Century," English Historical Review, 86, (1971)

Schimmelpfennig, B., "Das Papsttum und die Reform des Zisterzienser-ordens im späten Mittelalter," in Reformbemühungen und Observanzbestrebungen im spätmittelalterlichen Ordenswesen, ed. K. Elm (Berlin: Duncker und Humblot, 1989)

Schimmelpfennig, B., The Papacy, (New York: Columbia University Press, 1992)

Schmitz-Kallenberg, L., "Papsturkunden," in Grundriß der Geschichtswissenschaft, ed.

A. Meister (Leipzig-Berlin: Teubner, 1913)

Schreiber, G., Gemeinschaften des Mittelalters (Münster: Regensburg, 1948)

Schreiber, G., Kurie und Kloster im 12. Jahrhundert, 2 vols. (Stuttgart: Ferdinand Enke, 1910)

Seaby, P., "King Stephen and the interdict of 1148" British Numismatic Journal, 50 (1980)

English Benedictine Libraries: The Shorter Catalogue, ed. R. Sharpe, J. P. Carley, R. M. Thomson and A. G. Watson (London: Corpus of British Medieval Library Catalogues, 4, 1996)

Sharpe France, R., "A Fifteenth Century Altcar Inventory," Transactions of the Historic Society of Lancashire and Cheshire, 95 (1943)

Shed, N., "Jocelin, abbot of Melrose (1170-1174), and bishop of Glasgow (1175-1199)," Innes Review, 54 (2003)

Sheehan, M. M., The Will in Medieval England (Toronto: Pontifical institute of Medieval studies, 1963)

Sheehan, M. M., "The formation and stability of marriage fourteenth century England: Evidence of an Ely register," Medieval Studies, 33 (1971)

Sinclair, K., "Quelques manuscrits cisterciens inconnus en Australie," Analecta Sacri Ordinis Cisterciensis, 20 (1964)

Smalley, B., English Friars and Antiquity in the Early Fourteenth Century (Oxford: Blackwell, 1960)

- Smalley, B., "Church and State 1300-1377: Theory and Fact," in Europe in the Late Middle Ages, ed. J. R. Hale, J. R. L. Highfield and B. Smalley (Evanston, Ill.: Northwestern University Press, 1965)
- Smalley, B., The Becket Conflict and the Schools (Oxford: Blackwell, 1973)
- Smalley, B., Study of the Bible in the Middle Ages (Oxford: Blackwell, 1983)
- Smith, D. M. ed., The Heads of Religious Houses England and Wales 1216-1377, vol. 2 (Cambridge: Cambridge University Press, 2001)
- Smith, J. J., The attitude of John Pecham toward monastic houses under his jurisdiction (Washington: the Catholic University of America Press, 1949)
- Smith, L., "Lending books: The growth of a medieval question from Langton to Bonaventure," in Intellectual Life in the Middle Ages: essays presented to Margaret Gibson, ed. L. Smith and B. Ward (London: The Hambledon Press, 1992)
- Snape, R. H., English Monastic Finances in the Later Middle Ages (Cambridge: Cambridge University Press, 1926)
- Sommerfeldt, J. R. ed., Cistercian Ideals and Reality (Kalamazoo, Michigan: Cistercian Publications, 1978)
- Sommerfeldt, J. R. ed., Simplicity and Ordinarity (Kalamazoo, Michigan: Cistercian Publications, 1980)
- Sommerfeldt, J. R., "Review: The Cistercian Evolution," Church History, 70 (2001)
- Sommerfeldt, J. R. ed., Studies in Medieval Cistercian History II (Kalamazoo, Michigan: Cistercian Publications, 1976)
- Sommerville, R., Pope Alexander III and the Council of Tours (Berkeley: University of California Press, 1977)



- Southern, R. W., Western Society and the church in the middle ages (Harmondsworth: Penguin, 1970)
- Southern, R. W., Robert Grosseteste (Oxford: Clarendon Press, 1992)
- Sparks, J. A., In the Shadow of the Blackdowns: Life at the Cistercian Abbey of Dunkeswell and on its Manors and Estates, 1201-1539 (Bradford-on-Avon: Moonraker Press, 1978)
- Speake, R. ed., A History of Alton and Farley (Keele: University of Keele, 1996)
- Squire, A., Aelred of Rievaulx: A study (London: S.P.C.K., 1969)
- Stenton, F., "Acta Episcoporum," Cambridge Historical Journal, 3 (1929)
- Stéphan, J., "A painful episode in our history: Abbot Nicholas's troubles during the Interdict, 1208-12," Buckfast Chronicle, 35 (1965)
- Stringer, K., "A Cistercian Archive: the earliest charters of Sawtry Abbey," Journal of the Society of Archivists, 6 (1980)
- Stringer, K. J., The Reign of Stephen (London: Routledge, 1993)
- Swanson, R. N., "Peculiar Practices: The Jurisdictional Jigsaw of the Pre-Reformation Church," Midland History, 26 (2001)
- Sweet, A. H., "The apostolic see and the heads of English Religious houses," Speculum, 28 (1953)
- Swietek, F. R. and Deneen, T. M., "The Episcopal Exemption of Savigny, 1112-1184," Church History, 52 (1983)
- Talbot, C. H., "New Documents in the case of Saint William of York," Cambridge Historical Journal, 10 (1950)
- Talbot, C. H., "Cîteaux and Scarborough," in Studia Monastica, 2 (1960)

- Talbot, C. H., "List of Cistercian Manuscripts in Great Britain," Traditio, 8 (1952)
- Talbot, C. H., "The English Cistercians and the Universities," Studia Monastica, 4 (1962)
- Telesca, W. J., "The Cistercian Dilemma at the close of the middle ages: Gallicanism or Rome", in Studies in Medieval Cistercian History presented to Jeremiah F. O'sullivan, ed. B. Pennington (Shannon: Irish University Press, 1971)
- Telesca, W. J., "Jean de Cirey and the Question of an Abbot-General in the Order of Cîteaux in the Fifteenth century," in Studies in Medieval Cistercian History II, ed. J. R. Sommerfeldt (Kalamazoo, Michigan: Cistercian Publications, 1976)
- Telesca, W. J., "The Cistercian abbey in fifteenth century France: A victim of competing jurisdictions of sovereignty suzerainty and primacy," in Cistercians in the late middle ages, ed. E. R. Eldar (Kalamazoo, Michigan: Cistercian Publications, 1981)
- Telesca, W. J., "Cistercian "Transfers" and papal provisions in the fifteenth century," Cîteaux, 41 (1990)
- Tangl, M., Die päpstlichen Kanzleiordnungen von 1200-1500 (Innsbruck: Wagner, 1894)
- Tentler, T. N., Sin and Confession on the eve of the Reformation (Princeton, New Jersey: Princeton University Press, 1977)
- Thomas, K., "The Double Standard," Journal of the History of Ideas, 20 (1959)
- Thompson, B., "Monasteries, Society and Reform in Late Medieval England," in The Religious Orders in Pre-Reformation England, ed. J. G. Clark (Woodbridge: The Boydell Press, 2002)
- Thompson, T. W., Hawkshead Church Chapelry and Parish (Hawkshead: Parochial Church Council, 1956)

- Thompson, S., Women Religious: The Foundation of English Nunneries after the Norman Conquest (Oxford: Clarendon Press, 1991)
- Thompson, B. ed., Monasteries and Society in Medieval Britain (Stamford: Paul Watkins, Harlaxton Medieval Studies, 6, 1999)
- Thorold Rogers, J. E., A History of Agriculture and Prices in England from the year after the Oxford Parliament (1259) to the commencement of the continental war (1793), vols. 3-4 (Oxford: Clarendon Press, 1882)
- Tierney, B., The Crisis of Church and State (Englewood Cliffs, New Jersey: Prentice-Hall, 1964)
- Tillmann, H., trans. Sax, W., Pope Innocent III (Oxford: North-Holland, 1980)
- Turner, R. V., The English Judiciary in the Age of Glanvil and Bracton, c. 1176-1239 (Cambridge: Cambridge University Press, 1985)
- Ullmann, W., The Growth of Papal Government in the Middle Ages (London: Methuen, 1955)
- Ullmann, W., "The pontificate of Adrian IV," Cambridge Historical Journal, 11 (1955)
- Ullmann, W., A Short History of the Papacy in the Middle Ages (London: Routledge, 2003)
- Valois, N., 'Un Plaidoyer du XVI<sup>e</sup> siècle en faveur des Cisterciens,' Bibliothèque de l'Ecole des Chartes, 69 (1908)
- Vehse, O., 'Bistumsexemtionen bis zum Ausgang des 12. Jahrhunderts,' Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung, 26 (1937)
- Vendeuvre, J., L'Exemption de Visite Monastique (Paris: Beauchesne, 1907)

- La Bibliothèque de l'abbaye de Clairvaux de XIIe au XVIIIe siècle, ed. A. Vernet et J.-F. Genes, vol. 1 (Paris: Éditions du Centre National de la Recherche Scientifique, 1979)
- Vincent, N., "Medieval Cartularies: additions and corrections," Monastic Research Bulletin, 3 (1997)
- Vincent, N., "Further additions," Monastic Research Bulletin, 4 (1998)
- Vincent, N., "Further additions II," Monastic Research Bulletin, 5 (1999)
- Vincent, N., "The Charters of King Henry II: The Introduction of the royal *inspeximus* revisited," in Dating undated medieval Charters, ed. M. Gervers (Woodbridge: The Boydell Press, 2000)
- Vodola, E., Excommunication in the Middle Ages (Berkeley: University of California Press, 1986)
- Vongrey, F. and Hervay, F., "Notes critiques sur l'Atlas del'Ordre Cistercien," Analecta Sacri Ordinis Cisterciensis, 23 (1967)
- Waddell, C., "The Myth of Cistercian Origins: C. H. Berman and the Manuscript Sources," Cîteaux, 51 (2000)
- Waddell, C., "A reply (to Constance Berman)" Cîteaux, 53 (2002)
- Waites, B., "The monastic grange as a factor in the settlement of north-east Yorkshire," Yorkshire Archaeological Journal, 40 (1962)
- Walker, D., "Hospitium: A feudal service of hospitality," Transactions of the Bristol and Gloucestershire Archaeological Society, 76 (1958)
- Walker, D., "The Organization of Material in Medieval Cartularies," in The Study of Medieval Records, Essays in Honour of Kathleen Major, ed. D. A. Bullough and R. L. Storey (Oxford: Oxford University Press, 1971)

- Walker, D., "Crown and Episcopacy Under the Normans and Angevins," Anglo-Norman Studies, 5 (1983)
- Wallis, J., A History of the Church in Blackburnshire (London: S.P.C.K., 1932)
- Ward, J. C., "Fashions in monastic endowment: the foundations of the Clare family, 1066-1314" Journal of Ecclesiastical History, 32 (1981)
- Ward, B. ed., The Influence of Saint Bernard (Oxford: SLG Press, 1976)
- Wardrop, J., Fountains Abbey and its benefactors 1132-1300. (Kalamazoo, Michigan: Cistercian Publications, 1987)
- Warren, W. L., King John (London: Eyre & Spottiswoode, 1961)
- Warren, W. L., Henry II (New Haven: Yale University Press, 2000)
- Watkins, O. D., A History of Penance, 2 vols. (London: Longmans, 1920)
- Watson, A. G. ed., Medieval Libraries of Great Britain: Supplement to the Second Edition (London: Royal Historical Society, 1987)
- Waugh, W. T., "The Great Statute of Praemunire," English Historical Review, 37 (1922)
- Waugh, W. T., "Historical Revisions: XXVIII: The Great Statute of Praemunire," History, 8 (1923-4)
- Webber, T. and Watson, A. G. ed., The Libraries of the Augustinian Canons (London: Corpus of British Medieval library catalogues, vol. 6, 1998)
- Wei, I., 'Scholars and Travel in the Twelfth and Thirteenth Centuries,' in Freedom of Movement in the Middle Ages, ed. P. Horden (Donington: Shaun Tyas, 2007)
- Wenzel, S., Latin Sermon Collections from Later Medieval England (Cambridge: Cambridge University Press, 2005)

- Whitaker, T. D., An History of the Original Parish of Whalley, and Honor of Clitheroe, in the Counties of Lancaster and York (London: Nichols, Son, and Bentley, 1818)
- Whitaker, T. D., An History of the Original Parish of Whalley, and Honor of Clitheroe, in the Counties of Lancaster and York, 2 vols. (London: Nichols and Lyons, 1872-76)
- White, E., Feeding a City: York (Devon: Prospect Books, 2000)
- White, G. J., Restoration and Reform, 1153-1165 (Cambridge: Cambridge University Press, 2000)
- White, H. V., "The Gregorian Ideal and st. Bernard of Clairvaux," Journal of the History of Ideas, 21 (1960)
- Williams, D. H., "Tudor Cistercian Life: Corrodians and residential servants," Cîteaux, 34 (1983)
- Williams, D. H., "Layfolk within Cistercian precincts," in Monastic Studies, ed. J. Loades, vol. 2 (Bangor, Gwynedd: Headstart History, 1991)
- Williams, D. H., The Cistercians in the Early Middle Ages (Leominster: Gracewing, 1998)
- Williams, W., "A Dialogue between a Cluniac and a Cistercian," Monastic Studies (Manchester: University of Manchester Press, 1938)
- Williams, W., "The First Cistercian Era," Monastic Studies (Manchester: University of Manchester Press, 1938)
- Williams, W., St. Bernard of Clairvaux (Manchester: Manchester University Press, 1953)
- Wilmart, A., "Les Mélanges de Mathieu Préchantre de Rievaulx au début du XIIIe siècle," Revue Bénédictine, 52 (1940)

- Wilson, J. ed., Victoria History of the County of Cumberland, 2 vols. (London: Constable, 1905-68)
- Wood, S., English Monasteries and their Patrons in the Thirteenth Century (Oxford: Oxford University Press, 1960)
- Woodcock, B. L., Medieval Ecclesiastical Courts in the Diocese of Canterbury (Oxford: Oxford University Press, 1952)
- Wood-Legh, K. L., studies in church life in England under Edward III (Cambridge: Cambridge University Press, 1934)
- Woolgar, C. M., Serjeantson, D. and Waldron, T. ed., Food in Medieval England: Diet and Nutrition (Oxford: Oxford University Press, 2006)
- Wormald, F. and Wright, C. E., The English Library before 1700 (London: University of London Press, 1958)
- Worthy, C., Devonshire Parishes, 2 vols. (London: Redway, 1887-9)
- Wright, J. R., The Church and the English Crown 1305-1334 (Toronto: Pontifical institute of Medieval Studies, 1980)
- Wylie, J. H., History of England under Henry IV, 4 vols. (London: Longmans, Green and Co., 1884-1898)
- Zehetmayer, R., Kloster und Gericht: die Entwicklung der klösterlichen Gerichtsrechte und Gerichtsbarkeit im 13. Jahrhundert unter besonderer Berücksichtigung der Zisterze Zwettl (Wien: Oldenbourg, Mitteilungen des Instituts für Österreichische Geschichtsforschung, Ergänzungsband, 40, 2001)

### Unprinted Secondary Sources

- Boyle, L. E., "A Study of the works attributed to William of Pagula with special reference to the oculus sacerdotis and summa summarum," 2 vols. (unpublished D. Phil. Thesis, University of Oxford, 1956)
- Christensen, K. C., "Abbot Samson's Brethren: Benedictine Monastic Leadership in Later Twelfth Century England," (unpublished Ph.D. thesis, University of California, Berkeley, 1989)
- Hallam, E. M., "Aspects of the Monastic Patronage of the English and French Royal Houses, c. 1130-1270," (unpublished Ph.D. thesis, University of London, 1976)
- McDonald, P., "The Relations between the papacy and the religious order in England, 1305-1352," (unpublished D. Phil. Thesis, University of Oxford, 1984)
- Orange, G. V. O., "The Cartulary of Meaux: A Critical Edition" (unpublished PhD thesis, University of Hull, 1965)